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The Halakhah: Historical and Religious Perspectives

by Jacob Neusner

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THE HALAKHAH:
HISTORICAL AND RELIGIOUS PERSPECTIVES

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BY

JACOB NEUSNER

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PREFACE

Judaism makes its authoritative statements through the medium of normative rules of conduct, laws that instruct the faithful on the sanctification of everyday life. These are called Halakhah, the pattern or way things are to be done, and represent the authoritative system of behavior and belief for Judaism. Thus those who accept the Torah, written and Oral, as God's will and call themselves "Israel," with Sinai in mind will aspire to embody in their everyday conduct the consequences of the revelation of the Torah. Hence any account of Judaism will pay close attention to its norms of behavior, as much as to its norms of belief.

Those who study about religions find nothing surprising in that fact, for ritual bears meaning and embodies, indeed realizes the message of religions. But precisely how to identify the message set forth through the medium of normative law, translating ritual into religious conviction, is not always self-evident. Not only so, but how to situate the ritual in the setting of everyday affairs, localizing its point of intersection with the historical here-and-now, proves equally puzzling. These essays, written over a twenty-five year period, set forth a long period of reflection on the twin-issues of how the Halakhah is to be described, analyzed, and interpreted in the setting of the history of religion. Reading the Halakhah from the perspective of religion and translating the Halakhah into its specific, historical consequences form the problem that links the essays and lectures presented here. On the occasion of the publication of my *The Halakhah. An Encyclopaedia of the Law of Judaism* (Leiden, 1999: Brill), I decided to gather them and offer them as a kind of appendix to the encyclopedic account of matters.

The opening chapter of the part one, religious perspectives, recapitulate in a single, relatively brief and cogent statement, some of the conclusions of the *Encyclopaedia*. Because the Christian, and particularly the Protestant, West treats with disdain rituals performed in God's service, along with all other "works of the law," I include, as the second chapter, an account of the interplay between the letter and the spirit of the law when sin comes into view. That seems to me to meet head-on the considerable Protestant critique of Ju-

daism. I show that we cannot discuss the theological doctrine or Aggadah of repentance and atonement without constant attention to its Halakhic realization in everyday conduct. That leads to the problem of the third chapter, how the Halakhah and the Aggadah intersect and make a single statement. Then I take a step back and show how, within the Halakhah viewed in its own terms and framework, we are able to discern the playing out of a considerable theological question. That is, how it is possible to establish a realm of cultic purity outside of the Temple itself, with deep implications for other dimensions of the Israelite aspiration to sanctification.

The Halakhah takes place in a timeless world, establishing patterns of conduct and public behavior that transcend circumstance and locality. That fact bears formidable consequences for the conception of time that is required in any historical mode of thought. In the fifth, sixth, and seventh chapters I discuss history, time, and paradigm as key-motifs in framing a historical perspective on the Halakhah. In the eighth chapter, finally, I move from historical to anthropological readings of religion in general and Judaism in particular. That programmatic lecture of 1979 has not yet come to fruition in systematic work of an academic character.

I conclude with an essay in theological apologetics, drawing on historical modes of thought. Specifically, I set forth the proposition that, viewed in that very setting that they chose to ignore, the realm of historical time, the system of the Rabbinical sages who created the Halakhah finds validation. The very criteria of historical success turn out to demonstrate the soundness of the Halakhic enterprise. These are two. First, does the Halakhah (together with the Aggadah) recapitulate in an accurate way that very history to which the Halakhic system makes reference, that is to say, the history told by the Hebrew Scriptures, especially Genesis through Kings? The Rabbinic sages claimed to carry forward the imperatives of ancient Israel's heritage. I maintain that, in quite specific ways, that claim is entirely valid. Second, does the Halakhah (together with the Aggadah) dictate the future course of the faith and faith-community for which the Rabbinic sages legislated, Judaism and holy Israel, respectively? I show that the Rabbinic sages in the Halakhah and the Aggadah indeed defined the future of carnate Israel's Judaism. So judged by past and future, the Halakhic structure and system enjoyed entire success in that world that it aspired to define.

I enjoy the advantage of the position of Professor of Religion at Bard College. I express my thanks. To the host-institutions at which I delivered some of these papers as lectures, the Hiram College, the University of Tübingen, the Jewish Theological Seminary of America, the University of Minnesota, Åbo Akademi, I owe thanks, also, for academic hospitality of a high order.

Jacob Neusner
Bard College

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1. Neusner, Jacob, *The Halakhah. An Encyclopaedia of the Law of Judaism.* 5 Vols. 2000. ISBN 90 04 11617 6 (*set*)
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   Vol. II. Between Israel and God. Part B. Transcendent Transactions: Where Heaven and Earth Intersect. ISBN 90 04 11612 5
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2. Basser, Herbert W., *Studies in Exegesis.* Christian Critiques of Jewish Law and Rabbinic Responses 70-300 C.E. 2000. ISBN 90 04 11848 9
3. Neusner, Jacob, *Judaism's Story of Creation.* Scripture, Halakhah, Aggadah. 2000. ISBN 90 04 11899 3
4. Aaron, David H.; *Biblical Ambiguities.* Metaphor, Semantics and Divine Imagery. 2001. ISBN 90 04 12032 7
5. Neusner, Jacob, *The Reader's Guide to the Talmud.* 2001. ISBN 90 04 1287 0.
6. Neusner, Jacob, *The Theology of the Halakhah.* 2001. ISBN 90 04 12291 5.
7. Schwartz, Dov, *Faith at the Crossroads.* A Theological Profile of Religious Zionism. Translated by Batya Stein. 2002. ISBN 90 04 12461 6
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PART ONE

RELIGIOUS PERSPECTIVES

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CHAPTER ONE

THE RELIGIOUS MEANING OF THE HALAKHAH

The normative law, or *halakhah*, of the Oral Torah defines the principal medium by which the sages set forth their message. Norms of conduct, more than norms of conviction, convey the sages' statement. And from the closure of the Talmud of Babylonia to our own day, those who mastered the documents of the Oral Torah themselves insisted upon the priority of the halakhah, which is clearly signaled as normative, over the aggadah, which commonly is not treated as normative in the same way as is the halakhah.

The aggadic statement addresses the exteriorities, the halakhic one, the interiorities, of Israel's life with God. When we consider the program of the halakhah, the topics that define its native categories, we find a quite distinct and autonomous construction, one that hardly intersects, *categorically*, with the aggadah. How so? If the native categories of the aggadah find definition in the story of mankind, derive their dynamism and energy in the conflict of God's word and man's will, compose their system in the working of repentance and (ultimate) restoration of humanity to Eden, none of these categories is matched by a counterpart in the halakhah's category-formation—not repentance, not redemption, not Eden and the fall and the restoration. If the aggadah organizes large components of its entire system within such categories as Eden/Land of Israel or Adam/Israel or fall/exile, the halakhah responds with large categories that deal with Kilayim, mixed seeds, Shebi'it, the Sabbatical year, and 'Orlah, produce of a tree in the first three years after its planting. The halakhah embodies the extension of God's design for world order into the inner-facing relationships of 1) God and Israel, 2) Israel's inner order in its own terms, and 3) the Israelite's household viewed on its own in time and space and social circumstance. If we wish to explore the interiority of Israel in relationship with God, as a shared order, and of Israel's autonomous building block, the household, we are required to take up the norms of everyday conduct that define Israel and signify its sanctification.

The halakhah accordingly falls into three large categories:
1) Between God and Israel: the interior dimensions of Israel's rela-

tionships with God—the division of Agriculture, the division of Holy Things. The division of Agriculture defines what Israel in the Land of Israel owes God as his share of the produce of the Holy Land, encompassing also Israel's conformity to God's regulation on how that produce is to be garnered; the anomalous tractate, Berakhot, concerns exactly the same set of relationships. The division of Holy Things corresponds by specifying the way in which the gifts of the Land—meat, grain, oil, wine—are to be offered to Heaven, inclusive of the priesthood, as well as the manner in which the Temple and its staff are supported and the offerings paid for. Two tractates, moreover, describe the Temple and its rite, and one of them sets forth special problems in connection with the same. The sole anomalous tractate, Hullin, which takes up the correct slaughter of animals for secular purposes, belongs, because its rules pertain, also, to the conduct of the cult.

2) Within Israel's social order: the social order that is realized by Israelites' relationships with one another—the division of Damages: That division spells out the civil law that maintains justice and equity in the social order, the institutions of government and the sanctions they legitimately impose.

3) Inside the Israelite household: *interior time and space and circumstance; sustaining life*: the inner life of the household, encompassing the individual Israelite, with God—the division of Women, the division of Appointed Times, and the division of Purities, as well as some singleton-tractates such as Hullin. The division of Women deals with the way in which relationships of man and woman are governed by the rules of sanctification enforced by Heaven, which takes an interest in how family relationships are formed, maintained, and dissolved, and the affects, upon the family, of invoking Heaven's name in vows. The division of Appointed Times addresses the affect upon the conduct of ordinary life of the advent of holy time, with special reference to the Sabbath and the pilgrim festivals (Passover, Tabernacles), the pilgrimage, and the intermediate days of festivals, the New Year and Day of Atonement, Fast Days, and Purim. While parts of some of these tractates, and nearly the whole of a few of them, concern conduct in the Temple, the main point of the tractates is to explore the impact upon the household and village of the Appointed times. The same interstitial position—between household and village, on the one side, and Temple and cult, on the other—serves the division of Purity. The laws of the tractates concern mainly the

household, since the cleanness-rules spelled out in those tractates concern purity at home. But, it goes without saying, the same uncleanness that prevents eating at home food that is to be preserved in conditions of cultic cleanness also prevents the Israelite from entering the restricted space of the Temple. But in the balance, the division concerns cleanness in that private domain that is occupied by the Israelite household. We now address exemplary cases of halakhah falling into each of the specified rubrics.

1. Between Israel and God: ʿOrlah

God as the ultimate owner of the Land sets the terms of Israel's utilization of the Land, and the rules that he imposes form the condition of Israel's tenure on the land, as Scripture states explicitly, "not be eaten. In the fourth year all its fruit shall be set aside for jubilation before the Lord, and only in the fifth year may you use its fruit, that its yield to you may be increased: I am the Lord your God." The yield of the Land responds to Israel's obedience to God's rules for cultivating the Land, and that having been said, why this particular rule carries with it the stated consequence hardly matters. The religious premise of the treatment of the topic of ʿOrlah is the same as the one that sustains tractate Shebiʿit: God relates to Israel through the Land and the arrangements that he imposes upon the Land. What happens to Israel in the Land takes the measure of that relationship.

But apart from these traits that characterize all halakhah of enlandisement, the halakhah of ʿOrlah makes points particular to the topic at hand—and accessible, indeed, possible, only within the framework of that topic. The specificities of the law turn out to define with some precision a message on the relationship of Israel to the Land of Israel and to God. If we turn to Sifra CCII:I.1, our attention is drawn to a number of quite specific traits of the law of ʿOrlah, and these make explicit matters of religious conviction that we might otherwise miss. The first is that the prohibition of ʿorlah-fruit applies solely within the Land of Israel and not to the neighboring territories occupied by Israelites, which means that, once again, it is the union of Israel with the Land of Israel that invokes the prohibition:

Sifra CCII:I.1.

A. "When you come [into the land and plant all kinds of trees for food, then you shall count their fruit as forbidden; three years it

shall be forbidden to you, it must not be eaten. And in the fourth year all their fruit shall be holy, an offering of praise to the Lord. But in the fifth year you may eat of their fruit, that they may yield more richly for you: I am the Lord your God" (Lev. 19:23-25).]
B. Might one suppose that the law applied once they came to Transjordan?
C. Scripture says, "...into the land,"
D. the particular Land [of Israel].

What that means is that some trait deemed to inhere in the Land of Israel and no other territory must define the law, and a particular message ought to inhere in this law. This same point registers once more: it is only trees that Israelites plant in the Land that are subject to the prohibition, not those that gentiles planted before the Israelites inherited the land:

Sifra CCII:I.2.
A. "When you come into the land and plant":
B. excluding those that gentiles have planted prior to the Israelites' coming into the land.
C. Or should I then exclude those that gentiles planted even after the Israelites came into the land?
D. Scripture says, "all kinds of trees."

A further point of special interest requires that the Israelite plant the tree as an act of deliberation; if the tree merely grows up on its own, it is not subject to the prohibition. So Israelite action joined to Israelite intention is required:

Sifra CCII:I.4.
A. "…and plant...":
B. excluding one that grows up on its own.
C. "…and plant...":
D. excluding one that grows out of a grafting or sinking a root.

The several points on which Sifra's reading of the halakhah and the verses of Scripture that declare the halakhah alert us to a very specific religious principle embedded in the halakhah of 'orlah.

First, the law takes effect only from the point at which Israel enters the land. That is to say, the point of Israel's entry into the Land marks the beginning of the Land's consequential fecundity. In simpler language, the fact that trees produce fruit matters only from Israel's entry onward. To see what is at stake, we recall that the entry of Israel into the Land marks the restoration of Eden (and will again, within the restorationist theology), so there is no missing the point.

The Land bears fruit of which God takes cognizance only when the counterpart-moment of creation has struck. The halakhah has no better way of saying, the entry of Israel into the Land compares with the moment at which the creation of Eden took place—and in no other way does the halakhah make that point. In this way, moreover, the law of Shebi'it finds its counterpart. Shebi'it concerns telling time, marking off seven years to the Sabbath of creation, the one that affords rest to the Land. The halakhah of 'Orlah also means telling time. Specifically, 'Orlah-law marks the time of the creation of produce from the moment of Israel's entry into the land. Israel's entry into the Land marks a new beginning, comparable to the very creation of the world, just as the Land at the end matches Eden at the outset.

Second, Israelite intentionality is required to subject a tree to the 'orlah-rule. If an Israelite does not plant the tree with the plan of producing fruit, then the tree is not subject to the rule. If the tree grows up on its own, not by the act and precipitating intentionality of the Israelite, the 'orlah-rule does not apply. If an Israelite does not plant the tree to produce fruit, the 'orlah-rule does not apply. And given the character of creation, which marks the norm, the tree must be planted in the ordinary way; if grafted or sunk as a root, the law does not apply. In a moment, this heavy emphasis upon Israelite intentionality will produce a critical result. But first let us ask some more fundamental questions.

What is the counterpart to Israelite observance of the restraint of three years? And why should Israelite intentionality play so critical a role, since, Sifra itself notes, the 'orlah-rule applies to trees planted even by gentiles? The answer becomes obvious when we ask another question: Can we think of any other commandments concerning fruit-trees in the Land that—sages say time and again—is Eden? Of course we can: "Of every tree of the garden you are free to eat; but as for the tree of knowledge of good and evil, you must not eat of it" (Gen. 2:16). But the halakhah of 'orlah imposes upon Israel a more demanding commandment. Of *no* tree in the new Eden may Israel eat for three years. That demands considerable restraint.

Not only so, but it is Israel's own intentionality—not God's—that imposes upon every fruit-bearing tree—and not only the one of Eden—the prohibition of three years. So once Israel wants the fruit, it must show that it can restrain its desire and wait for three years. By Israel's act of will, Israel has imposed upon itself the requirement

of restraint. Taking the entry-point as our guide, we may say that, from the entry into the Land and for the next three years, trees that Israelites value for their fruit and plant with the produce in mind must be left untouched. And, for all time thereafter, when Israelites plant fruit-trees, they must recapitulate that same exercise of self-restraint, that is, act as though, for the case at hand, they have just come into the Land.

To find the context in which these rules make their statement, we consider details, then the main point. First, why three years in particular? Fruit trees were created on the third day of creation. Then, when Israel by intention and action designates a tree—any tree—as fruit-bearing, Israel must wait for three years, as creation waited for three years.

Then the planting of every tree imposes upon Israel the occasion to meet once more the temptation that the first Adam could not overcome. Israel now recapitulates the temptation of Adam then, but Israel, the New Adam, possesses, and is possessed by, the Torah. By its own action and intention in planting fruit trees, Israel finds itself in a veritable orchard of trees like the tree of knowledge of good and evil. The difference between Adam and Israel—permitted to eat all fruit but one, Adam ate the forbidden fruit, while Israel refrains for a specified span of time from fruit from all trees—marks what has taken place, which is the regeneration of humanity. The enlandisement of the halakhah bears that very special message, and how better make that statement through law than in the explicit concern sages register for the fruit-trees of the Land of Israel. No wonder, then, that 'orlah-law finds its position, in the Priestly Code, in the rules of sanctification.

So when Israel enters the Land, in exactly the right detail Israel recapitulates the drama of Adam in Eden, but with this formidable difference. The outcome is not the same. By its own act of will Israel addresses the temptation of Adam and overcomes the same temptation, not once but every day through time beyond measure. Adam could not wait out the week, but Israel waits for three years—as long as God waited in creating fruit trees. Adam picked and ate. But here too there is a detail not to be missed. even after three years, Israel may not eat the fruit wherever it chooses. Rather, in the fourth year from planting, Israel will still show restraint, bringing the fruit only "for jubilation before the Lord" in Jerusalem. That signals that the once-forbidden fruit is now eaten in public, not in secret, be-

fore the Lord, as a moment of celebration. That detail too recalls the Fall and makes its comment upon the horror of the fall. That is, when Adam ate the fruit, he shamefully hid from God for having eaten the fruit. But when Israel eats the fruit, it does so proudly, joyfully, before the Lord. The contrast is not to be missed, so too the message. Faithful Israel refrains when it is supposed to, and so it has every reason to cease to refrain and to eat "before the Lord." It has nothing to hide, and everything to show.

And there is more. In the fifth year Israel may eat on its own, the time of any restraint from enjoying the gifts of the Land having ended. That sequence provides fruit for the second Sabbath of creation, and so through time. How so? Placing Adam's sin on the first day after the first Sabbath, thus Sunday, then calculating the three forbidden years as Monday, Tuesday, and Wednesday of the second week of creation, reckoning on the jubilation of Thursday, we come to the Friday, eve of the second Sabbath of creation. So now, a year representing a day of the Sabbatical week, just as Leviticus says so many times in connection with the Sabbatical year, the three prohibited years allow Israel to show its true character, fully regenerate, wholly and humbly accepting God's commandment, the one Adam broke. And the rest follows.

Here, then, is the message of the 'orlah-halakhah, the statement that only through the details of the laws of 'orlah as laid out in both parts of the Torah, written and oral, the halakhah could hope to make. By its own act of restraint, the New Adam, Israel, in detailed action displays its repentance in respect to the very sin that the Old Adam committed, the sin of disobedience and rebellion. Facing the same opportunity to sin, Israel again and again over time refrains from the very sin that cost Adam Eden. So by its manner of cultivation of the Land and its orchards, Israel manifests what in the very condition of humanity has changed by the giving of the Torah: the advent of humanity's second chance, through Israel. Only in the Land that succeeds Eden can Israel, succeeding Adam, carry out the acts of regeneration that the Torah makes possible.

2. Within Israel's Social Order: Abodah Zarah

Those who worship idols are called idolaters, and those who worship the one, true God, who has made himself known in the Torah are called Israel[ites]. In the Oral Torah, that is the difference—the only consequential distinction—between Israel and the gentiles.

But the halakhah takes as its religious problem the concretization of that distinction, the demonstration of where and how the distinction in theory makes a huge difference in the practice, the conduct, of everyday affairs. What is at stake is that Israel stands for life, the gentiles like their idols for death. An asherah-tree, like a corpse, conveys uncleanness to those who pass underneath it, as we note at M. 3:8: "And he should not pass underneath it, but if he passed underneath it, he is unclean." Before proceeding, let us consider a clear statement of why idolatry defines the boundary between Israel and everybody else. The reason is that idolatry—rebellious arrogance against God—encompasses the entire Torah. The religious duty to avoid idolatry is primary; if one violates the religious duties, he breaks the yoke of commandments, and if he violates that single religious duty, he violates the entire Torah. Violating the prohibition against idolatry is equivalent to transgressing all Ten Commandments.

The halakhah treats gentiles as undifferentiated, but as individuals. The aggadah treats gentiles as "the nations" and takes no interest in individuals or in transactions between private persons. In the theology of the Oral Torah, the category, the gentiles or the nations, without elaborate differentiation, encompasses all who are not-Israelites, that is, who do not belong to Israel and therefore do not know and serve God. That category takes on meaning only as complement and opposite to its generative counterpart, having no standing—self-defining characteristics—on its own. That is, since Israel encompasses the sector of humanity that knows and serves God by reason of God's self-manifestation in the Torah, the gentiles are comprised by everybody else: those placed by their own intention and active decision beyond the limits of God's revelation. Guided by the Torah Israel worships God, without its illumination gentiles worship idols. At the outset, therefore, the main point registers: by "gentiles" sages understand, God's enemies, and by "Israel" sages understand, those who know God as God has made himself known, which is, through the Torah. In no way do we deal with secular categories, but with theological ones.

The halakhah then serves as the means for the translation of theological conviction into social policy. Gentiles are assumed to be ready to murder any Israelite they can get their hands on, rape any Israelite women, commit bestiality with any Israelite cow. The Oral Torah cites few cases to indicate that that conviction responds to ordinary, everyday events; the hostility to gentiles flows from a theory

of idolatry, not the facts of everyday social intercourse, which, as we have seen, sages recognize is full of neighborly cordiality. Then why take for granted gentiles routinely commit the mortal sins of not merely idolatry but bestiality, fornication, and murder? That is because the halakhah takes as its task the realization of the theological principle that those who hate Israel hate God, those who hate God hate Israel, and God will ultimately vanquish Israel's enemies as his own—just as God too was redeemed from Egypt. So the theory of idolatry, involving alienation from God, accounts for the wicked conduct imputed to idolaters, without regard to whether, in fact, that is how idolaters conduct themselves.

When we come to the halakhah's treatment of the idolatry and idolaters, our first question must be, Why do sages define a principal category of the halakhah in this wise? It is because sages must devote a considerable account to the challenge to that justice represented by gentile power and prosperity, Israel's subordination and penury. For if the story of the moral order tells about justice that encompasses all creation, the chapter of gentile rule vastly disrupts the account. Gentile rule forms the point of tension, the source of conflict, attracting attention and demanding explanation. For the critical problematic inherent in the category, Israel, is that its anticategory, the gentiles, dominate. So what rationality of a world ordered through justice accounts for the world ruled by gentiles represents the urgent question to which the system must respond. And that explains why the systemic problematic focuses upon the question, how can justice be thought to order the world if the gentiles rule? That formulation furthermore forms the public counterpart to the private perplexity: how is it that the wicked prosper and the righteous suffer? The two challenges to the conviction of the rule of moral rationality—gentile hegemony, matched by the prosperity of wicked persons—match.

Yet here the halakhah turns out to make its own point, one that we ought not to miss. The halakhah presupposes not gentile hegemony but only gentile power; and it further takes for granted that Israelites may make choices, may specifically refrain from trading in what gentiles value in the service of their gods, and may hold back from gentiles what gentiles require for that service. In this regard the halakhah parts company from the aggadah, the picture gained by looking inward not corresponding to the outward-facing perspective. Focused upon interiorities that prove real and tangible, not

matters of theological theory at all, the halakhah of Abodah Zarah legislates for a world in which Israelites, while subordinate in some ways, control their own conduct and govern their own destiny. Israelites may live in a world governed by gentiles, but they form intentions and carry them out. They may decide what to sell and what not to sell, whom to hire for what particular act of labor and to whom not to sell their own labor, and, above all, Israelite traders may determine to give up opportunities denied them by the circumstance of gentile idolatry. The halakhah therefore makes a formidable statement of Israel's freedom to make choices, its opportunity within the context of everyday life to preserve a territory free of idolatrous contamination, much as Israel in entering the Land was to create a territory free of the worship of idols and their presence. In the setting of world order Israel may find itself subject to the will of others, but in the house of Israel, Israelites can and should establish a realm for God's rule and presence, free of idolatry. And if to establish a domain for God, Israelites must practice self-abnegation, refrain from actions of considerable weight and consequence, well, much of the Torah concerns itself with what people are not supposed to do, and God's rule comes to realization in acts of restraint.

Accordingly, the religious problem of the halakhah therefore focuses on the inner world of Israel in command of itself. The religious problem of the aggadah, by contrast, explains, rationalizes as best it can, gentile hegemony such as the halakhah takes for granted gentiles simply do not exercise. The halakhah sees that world within Israel's dominion for which Israel bears responsibility; there sages legislate. The aggadah forms a perspective upon the world subject to gentile rule, that is, the world beyond the limits of Israel's own power. The halakhah speaks of Israel at the heart of matters, the aggadah, of Israel within humanity.

To see the contrast between the halakhah and the aggadah on gentiles, let me briefly reprise the aggadic account of the matter. Who, speaking categorically not historically, indeed are these "non-Israelites," called gentiles ("the nations," "the peoples," and the like)? The answer is dictated by the form of the question: who exactly is a "non-Israelite"? Then the answer concerning the signified is always relative to its signifier, Israel? Within humanity-other-than-Israel, differentiation articulates itself along gross, political lines, always in relationship to Israel. If humanity is differentiated politically, then, it is a differentiation imposed by what has happened

between a differentiated portion of humanity and Israel. It is, then, that segment of humanity that under given circumstances has interacted with Israel: 1) Israel arising at the end and climax of the class of world empires, Babylonia, Media, Greece, Rome; or 2) Israel against Egypt; or 3) Israel against Canaan. That is the point at which Babylonia, Media, Greece, Rome, Egypt, or Canaan take a place in the narrative, become actors for the moment, but never givens, never enduring native categories. Then, when politics does not impose its structure of power-relationships, then humanity is divided between Israel and everyone else.

What then is the difference between the gentile and the Israelite, individually and collectively (there being no distinction between the private person and the public, social and political entity)? A picture in cartographic form of the theological anthropology of the Oral Torah, would portray a many-colored Israel at the center of the circle, with the perimeter comprised by all-white gentiles, since, in the *halakhah,* gentiles like their idols, are a source of uncleanness of the same virulence as corpse-uncleanness, the perimeter would be an undifferentiated white, the color of death. The law of uncleanness bears its theological counterpart in the lore of death and resurrection, a single theology animating both. Gentile-idolaters and Israelite worshippers of the one and only God part company at death. For the moment Israelites die but rise from the grave, gentiles die and remain there. The roads intersect at the grave, each component of humanity taking its own path beyond. Israelites—meaning, those possessed of right conviction—will rise from the grave, stand in judgment, but then enter upon eternal life, to which no one else will enjoy access. So, in substance, humanity viewed whole is divided between those who get a share in the world to come—Israel—and who will stand when subject to divine judgment and those who will not.

Clearly, the moral ordering of the world encompasses all humanity. But God does not neglect the gentiles or fail to exercise dominion over them. For even now, gentiles are subject to a number of commandments or religious obligations. God cares for gentiles as for Israel, he wants gentiles as much as Israel to enter the kingdom of Heaven, and he assigns to gentiles opportunities to evince their acceptance of his rule. One of these commandments is not to curse God's name, so b. San. 7:5 I.2/56a: "Any man who curses his God shall bear his sin" (Lev. 24:15)": It would have been clear had the

text simply said, "A man." Why does it specify, "Any"? It serves to encompass idolaters, who are admonished not to curse the Name, just as Israelites are so admonished. Not cursing God, even while worshipping idols, seems a minimal expectation.

Gentiles, by reason of their condition outside of the Torah, are characterized by certain traits natural to their situation, and these are worldly. Not only so, but the sages' theology of gentiles shapes the normative law in how to relate to them. If an Israelite is by nature forbearing and forgiving, the gentile by nature is ferocious. That explains why in the halakhah as much as in the aggadah gentiles are always suspect of the cardinal sins, bestiality, fornication, and bloodshed, as well as constant idolatry. That view of matters is embodied in normative law. The law of the Mishnah corresponds to the lore of scriptural exegesis; the theory of the gentiles governs in both. Beyond the Torah there not only is no salvation from death, there is not even the possibility of a common decency. The Torah makes all the difference. The upshot may be stated very simply. Israel and the gentiles form the two divisions of humanity. The one will die but rise from the grave to eternal life with God. When the other dies, it perishes; that is the end. Moses said it very well: Choose life. The gentiles sustain comparison and contrast with Israel, the point of ultimate division being death for the one, eternal life for the other.

If Israel and the gentiles are deemed comparable, the gentiles do not acknowledge or know God, therefore, while they are like Israelites in sharing a common humanity by reason of mythic genealogy—deriving from Noah—the gentiles do not receive in a meritorious manner the blessings that God bestows upon them. So much for the points of stress of the aggadah. When it comes to the halakhah, as we have seen, the religious problematics focuses not upon the gentiles but upon Israel: what, given the world as it is, can Israel do in the dominion subject to Israel's own will and intention? That is the question that, as we now see, the halakhah fully answers. For the halakhah constructs, indeed defines, the interiority of an Israel sustaining God's service in a world of idolatry: life against death in the two concrete and tangible dimensions by which life is sustained: trade and the production of food, the foci of the halakhah. No wonder Israel must refrain from engaging with idolatry on days of the festivals for idols that the great fairs embody—then especially. The

presentation of the halakhah commences with the single most important, comprehensive point—as usual.

3. Inside the Walls of the Israelite Household: Pesahim

For the halakhah as for the aggadah, Passover marks the advent of Israel's freedom, which is to say, the beginning of Israel. The liturgy for the occasion makes that matter explicit, and that represents a halakhic statement of a norm: "Passover...the season of our freedom." But that only focuses the question of the halakhah: what is that freedom that Israel gained at Passover, freedom from what? And to what, in the halakhic framework, had Israel been enslaved?

Alas, on the surface the halakhah in its classical formulation is not only remarkably reticent on that question but lays its emphasis elsewhere altogether. What makes Israel Israel, and what defines its trait as Israel, so far as the halakhah is concerned, is two matters: 1) the preparation of the home for the festival through the removal of leaven, which may not be consumed or seen at that time; and 2) the preparation and presentation of the Passover offering and the consumption of its meat in the household. These define the topics of halakhic interest—and no others pertinent to the festival register. So the celebration of Israel's freedom turns into the transformation of Israel into a kingdom of priests and a holy people, celebrating its birth by recapitulating the blood-rite that marked the separation of Israel from Egypt and the redemption of Israel for life out of death, Israel's firstborn being saved from the judgment visited upon Egypt's. That defines the focus of the halakhah: the act of sanctification unto life that marks, and re-marks every year, the advent of Israel out of the nations. The freedom that is celebrated is freedom from death.

Its message for the occasion of Israel's beginning as a free people focuses upon Israel's sanctification, and that message comes to the fore in the stress in the halakhah upon the analogy of the Israelite household and the Temple in Jerusalem, an analogy that takes effect on Passover in particular. The upshot is, Passover marks the celebration of Israel's redemption, meaning, its separation from Egypt—the separation being marked off by blood rites on both sides—and its entry into the condition of cleanness so that a Temple offering may be eaten in the very household of the Israelite. True enough, the Temple offering is one of the very few—the offering of

the red cow for the preparation of ashes for the purification water, (Num. 19:1-20) is another—that may be conducted in a state of uncleanness. The second Passover explicitly provides for that circumstance. But the point of the halakhah should not be lost: conforming with God's explicit instructions in the written Torah, on Passover Israel differentiates itself from the nations (Egypt) and chooses as the signification of its identity the attainment of the condition of cleanness in the household, such that Temple meat may be eaten there.

Like the halakhah of Yoma, most of which is devoted to the Temple rite on that occasion, the halakhah of Pesahim therefore stresses the cultic aspect of the occasion: the disposition of the Passover offering. In volume nearly half of the halakhah is devoted to that one theme—Mishnah-tractate Pesahim 5:1-9:11—and in complexity, by far the best articulated and most searching halakhic problems derive from that same theme. But the halakhah of Pesahim belongs to the realm of the Israelite household and yields a statement on the character of that household that the halakhah of Yoma does not even contemplate. The household is made ready to serve as part of the cult by the removal of leaven and all marks of fermentation; now man eats only that same unleavened bread that is God's portion through the year. The household is further made the locus of a rite of consuming other specified foods (bitter herbs, for example). But the main point is, the offering sacrificed in the Temple yields meat to be eaten in the household, at home, not only in the Temple courtyard.

That rule pertains only to Lesser Holy Things, the peace-offerings and the festal offering, for example—and to the Passover, so M. Zebahim 9:14: Most Holy Things were eaten within the veils [of the Temple], Lesser Holy Things and second tithe within the wall [of Jerusalem]. Among offerings eaten in Jerusalem in the household but outside of the Temple walls, the Passover offering is the only one precipitated by the advent of a particular occasion (as distinct from peace- and festal-offerings). The festivals of Tabernacles and Pentecost, by contrast, do not entail a home-offering of a similar character, nor does the celebration of the New Month. For its part, the halakhah of Yoma describes an occasion that is celebrated at the Temple or in relationship to the Temple. In this context, then, the halakhah of Pesahim alone sets forth an occasion in the life of all Israel that commences in the Temple but concludes at home. Its

message, then, is that for Passover in particular—"season of our freedom"—the home and the Temple form a single continuum. That is why the halakhah is seen to characterize the advent of Israel's freedom from Egypt as an occasion of sanctification: the differentiation through a blood rite in particular of Israel from the nations, represented by Egypt.

On what basis, then, does the halakhah before us pertain to the world within the walls of the Israelite household in a way in which the halakhah of Yoma, the counterpart, does not? Why have sages treated in a single tractate so distinct a set of venues as the home and the Temple, rather than leaving the exposition of the Passover offering to take its place in tractate Zebahim, the general rules of the cult, where the Passover makes its appearance in context? Once the question is framed in that way, the obvious answer emerges. Sages through their emphases transformed the festival of freedom into the celebration of Israel's sanctification, embodied here and now in the act of eating the Passover offering at home, in a family, natural or fabricated, that stands for the Israelite household. So as God abides in the Temple, so on this occasion God's abode extends to the household. That is why the Passover offering takes place in two locations, the Temple for the blood-rite, the home for the consumption of the meat assigned to the sacrifiers (those who benefit from the offering).

The law is explicit that people bring the animals to the Temple, where the beasts are sacrificed, the blood collected and the sacrificial portions placed on the altar-fires. Then the people take the remaining meat home and roast it. So Passover is represented as a pilgrim festival alone; the home ritual hardly rates a single penetrating halakhic inquiry, being presented as a set of inert facts. It follows that, on the occasion at hand, the household (at least in Jerusalem) forms a continuum with the Temple. That means, also, that the Passover sacrifice then stands in an intermediate situation, not an offering that takes place in a state of uncleanness, like the offering of the red cow, which takes place outside of the Temple (Num. 19:1-20), nor an offering that is presented and eaten in the Temple in a state of cleanness, with the meat eaten by the priests in the Temple itself, like the sin-offering and other Most Holy Things. As to where the sacrifier eats his share of the Passover offering (and its comparable ones), the halakhah takes for granted it is in a state of cleanness. So far as the Passover is concerned, it is not eaten in the Temple

but at home or in a banquet hall, which by definition must be in Jerusalem. That consideration gains weight when we take account of the unleavened character of the bread with which the meat is eaten, in the model of nearly all meal-offerings: "All meal offerings are brought unleavened [Lev. 2:4-5, 6:7-9], except for the leaven[ed cakes] in the thank offerings [M. 7:1] and the two loaves of bread [of Shabuot], which are brought leavened [Lev. 7:13, 23:17]" (Mishnah-tractate Menahot 5:1).

By treating the sacrifice in that intermediate realm—the sacrifice in the Temple, the meat eaten at home—the halakhah takes account of the requirement of the Written Torah, which read as a harmonious statement dictates that the Passover take place in two locations, the home and the Temple. Dt. 16:1-8 places the rite in the Temple in Jerusalem. It is explicit that only in the Temple is the Passover offering to be sacrificed, and no where else. It is to be boiled and eaten in the same place, not at home, and in the morning the people are to go home. With that statement in hand, we should treat the Passover offering as a Temple rite, as much as the sacrifice for the Day of Atonement is a Temple rite.

Then where is the altar in the home? Ex. 12:1-28 treats the offering as a rite for the home, with the blood tossed on the lintel of the house as a mark of an Israelite dwelling. The lintel then serves as the counterpart to the altar. That is where the blood rite takes place, where the blood of the sacrifice is tossed. Here we find as clear a statement as is possible that the Israelite home compares to the Temple, the lintel to the altar, the abode of Israel to the abode of God. Why the lintel? It is the gateway, marking the household apart from the world beyond. Inside the walls of the Israelite household conditions of genealogical and cultic cleanness pertain, in a way comparable to the space inside the contained space of the Temple courtyard.

What contribution the Oral Torah makes to the halakhah of Passover emerges when we ask, to what offering may we then compare the Passover? The answer is, to the sin-offering. This is stated explicitly. But first, to advance the argument, we ask for the foci of the analogy. It is temporal and occasional, not permanent and spatial. True, the Oral Torah treats the lintel of the Israelite home to the altar, the contained space of the Israelite household as comparable to the Temple courtyard, the household serving as the venue for an offering comparable to the sin-offering. But that analogy takes

effect only at a very specific moment, just as the household compares to Eden only at the specific moment of the Sabbath day, the invisible wall descending to mark of the temporal Eden in the particular space consecrated by the Israelite abode. The advent of the first new moon after the vernal equinox then compares with the advent of sunset on the sixth day, the beginning of the Sabbath comparing, then, to the beginning of the lunar calendar marked by the first new moon of spring. The Sabbath places Israel in Eden. The fifteenth of Nisan places the Israelite household into a continuum with the Temple, the lintel with the altar (in the Written Torah's reading). With Passover the Israelite, in the halakhic theory of the Oral Torah, carries his offering to the Temple and brings home the sacrificial parts to be consumed by himself and his family (or the surrogate family formed by an association organized for that particular purpose), so treating the household as an extension of the Temple for the purpose at hand. That same conception extends to other Lesser Holy Things, eaten in Jerusalem but not in the Temple; but Passover among festivals is unique in having its own offering, celebrating its own specific event in the natural year and in the rhythm of Israel's paradigmatic existence as well.

The Passover, moreover, may be subject to the rules of Lesser Holy Things but bears its own very particular signification. Some of the Lesser Holy Things are interchangeable, in that if an animal is designated for one purpose but offered for another, it may serve, e.g., as a freewill offering. But in the case of the Passover in particular, we deal with a Lesser Holy Thing that is not interchangeable. The Oral Torah stresses that the rite is analogous to the sin-offering, in that the animal that is designated for the rite must be offered for that purpose—and for that particular sacrifier. If it is designated for the benefit of a given party (sacrifier) and offered for some other sacrifier and it is not possible to clarify the situation, the animal is simply disposed of, so, we recall, M. 9:9 for example: "An association, the Passover-offering of which was lost, and which said to someone, "Go and find and slaughter another one for us," and that one went and found and slaughtered [another], but they, too, went and bought and slaughtered [one for themselves]—if his was slaughtered first, he eats his, and they eat with him of his. But if theirs was slaughtered first, they eat of theirs, and he eats of his. And if it is not known which of them was slaughtered first, or if both of them were slaughtered simultaneously, then he eats of his, and they do

not eat with him, and theirs goes forth to the place of burning, but they are exempt from having to observe the second Passover." The stress on the specificity of identification of the beast and sacrifier aligns the Passover offering with the sin-offering, not with peace- or free-will offerings.

That analogy is stated explicitly at M. Zeb. 1:1: "All animal offerings that were slaughtered not for their own name are valid [so that the blood is tossed, the entrails burned] , but they do not go to the owner's credit in fulfillment of an obligation, except for the Passover and the sin offering—the Passover at its appointed time [the afternoon of the fourteenth of Nisan], and the sin offering of any time." The theory of the matter is explained in the argument of Eliezer that the guilt-offering should be subject to the same rule: "The sin offering comes on account of sin, and the guilt offering comes on account of sin. Just as the sin offering is unfit [if it is offered) not for its own name, so the guilt offering is unfit [if offered] not for its own name]." Eliezer's statement takes for granted that the sin-offering is brought in expiation of (inadvertent) sin, and it must follow, the halakhah in general must concur that the same category encompasses also the Passover-offering. That matches the story of the blood on the lintel, an offering that expiates Israel and atones for those sins for which, on the same moment, Egypt will atone through the offering of the firstborn among men and cattle alike. Within that theory, how shall we find in the account of the offering the basis for treating it as comparable to the sin-offering, which is offered to expiate inadvertent sin? Since the Passover offering signals that Israel is to be spared the judgment of the Lord executed against the first-born of Egypt, it is reasonable to suppose that the blood of the Passover lamb, placed on the lintel, not only marks the household as Israelite but also expiates inadvertent sin carried out in that household.

True, the Written Torah itself imposed the requirement of celebrating Passover in two places, Deuteronomy in the Temple, the meat consumed in Jerusalem, Exodus at home, the meat consumed there. But in joining the two conceptions, with its rules for the household wherever it is located, the halakhah has made a statement of its own out of the disharmonious facts received from Scripture. That statement is in two parts. First, the Israelite abode is treated as comparable to the Temple not merely in the aspect of cultic cleanness (a matter we shall treat elsewhere in this study), but in the aspect

of cultic activity: the place where the sacrificial meat was consumed, within the unfolding of the rite of expiation of inadvertent sin itself. It is that analogy, between the Passover on the fourteenth of Nisan and the sin-offering at any time, that forms the critical nexus between the Israelite abode and the Temple altar. So the question arises, why that particular analogy, and to what effect? Or to state matters differently, what statement do we make when we say, the Passover offering is comparable to the sin-offering?

The answer derives from the occasion itself, Israel on the eve of the Exodus from Egypt, at the threshold of its formation into a kingdom of priests and a holy people. When God executed judgment of Egypt, exacting the first-born of man and beast as the sanction, he saw the blood, which—the Oral Torah now tells us—compared with the blood of the sin-offering. Israel then had expiated its inadvertent sin and attained a state of atonement, so entering a right relationship with God. On the eve of Israel's formation, the Passover offered at home, with the blood on the lintel, marked Israel as having expiated its sin. The sinless people was kept alive at the time of judgment—just as, at the end of days, nearly all Israel will stand in judgment and pass on to life eternal.

Sin and atonement, death and life—these form the foci of Passover. If sages had wished to make the theological statement that Israel differs from the Egyptians as does life from death, and that what makes the difference is that Israel is sanctified even—or especially—within its household walls, not only within the Temple veils, how better to say so then through the halakhah of Passover? Eat unleavened bread as God does in the meal-offerings, consume the meat left over from the blood rite of the Passover offering, analogous to the sin-offering in its very particular identification with a given family-unit, and the actions speak for themselves. These are the two facts out of the repertoire of the data of Passover that the halakhic statement from the Mishnah through the Bavli chooses to explore and articulate. It is the Written Torah that sets forth the facts, the Oral Torah that explores their implications for the norms of conduct, while, in doing so, imparting its sense for the proportion, therefore the meaning and significance, of the whole.

Why these two topics in particular? The sages will assuredly have maintained they said no more than the Written Torah implied, and, as we have seen, that claim enjoys powerful support in the content of the halakhah. But sages are the ones who framed the law, chose

its points of proportion and emphasis. In doing so, they shaped the law into a statement congruent with the stresses of their system as a whole. Theirs was a theology of restoration, Israel to the Land standing for mankind to Eden. To such a statement the fact that fully half of the halakhic formulations were monumentally irrelevant to the practical affairs made no difference. Sages knew full well that all Israel was resident outside of Jerusalem; in the time that the halakhic statement was being formulated, Israel could not enter Jerusalem, let alone sacrifice on the ruined, ploughed-over Temple mount meant nothing. But to the realities of the moment sages chose to make no statement at all; these meant nothing of enduring consequence to them. For the situation of Israel in the here and now did not define the focus of the halakhah, only its venue.

For sages at stake in the halakhah is the transformation of Israel by time and circumstance, the reconciliation of Israel and God by rites of atonement for sin, and the location of Israel and God into a single abode: the household now, Eden then. What is at stake in the halakhah of innermost Israel, the Israel embodied in the abode of the household? It is what takes place in the Holy of Holies on the Day of Atonement: the encounter of Israel, its sins atoned for, its reconciliation in the aftermath of the fall from Eden complete—the encounter of Israel with God, the occasion of eternity, the moment at which, for now, death is transcended. Scripture said no less, sages no more: "It is the Lord's Passover. For I will pass through the land of Egypt that night, and I will smite all the first-born in the land of Egypt, both man and beast; and on all the gods of Egypt I will execute judgments; I am the Lord. The blood shall be a sign for you, upon the houses where you are; and when I see the blood I will pass over you, and no plague shall fall upon you to destroy you, when I smite the land of Egypt." The halakhah makes the statement that the freedom that Passover celebrates is Israel's freedom from death. Where Israel lives, there life is lived that transcends the grave. When, as is the custom, some people at the Passover Seder wear their burial garment, the gesture says no less than that.

4. Inside the Walls of the Israelite Household: Sukkah

The temporary abode of the Israelite, suspended between heaven and earth, the Sukkah in its transience matches Israel's condition in the wilderness, wandering between Egypt and the Land, death and eternal life. Just as Passover marks the differentiation of Israel,

expiating sin through the Passover offering and so attaining life, from Egypt, expiating sin through the death of the first-born, so Sukkot addresses the condition of Israel. It is, we must remind ourselves, the generation of the wilderness with which we deal, that is, the generation that must die out before Israel can enter the Land. So entering the Sukkah reminds Israel not only of the fragility of its condition but also—in the aftermath of the penitential season—of its actuality: yet sinful, yet awaiting death, so that a new generation will be ready for the Land. So it is that interstitial circumstance, between death in Egypt and eternal life in the Land that the Festival recapitulates. Sages maintain that had Israel not sinned, the Torah would have contained only the Pentateuch and the book of Joshua, a neat way of stating in a few words the conviction that permeates the aggadic reading of the Land as counterpart to Eden, Israel as counterpart to Adam. It is on that basis that the wilderness marks the interval between death in Egypt and eternal life in the Land. The now-abode of Israel-in-between is the house that is not a house, protected by a roof that is open to the elements but serves somewhat: Israel en route to death (for those here now) and then eternal life (for everyone then).

It is at the Sukkah itself that we find the center of the halakhic repertoire concerning the Festival. Israel in the wilderness, replicated annually from the first New Moon after the autumnal equinox, lived in houses open to the rain and affording protection only from the harsh sunlight, shade if not continuous shadow such as a roof provides. Their abode was constructed of what was otherwise useless, bits and pieces of this and that, and hence, as we noted in examining the generative problematics of the halakhah, insusceptible to uncleanness. And, we note, that is the abode in which Israel is directed to take up residence. The odd timing should not be missed. It is not with the coming of the spring and the dry season, when the booth serves a useful purpose against the sun, but at the advent of the autumn and the rainy one, when it does not protect against the rain.

Now it is an abode that cannot serve in the season that is coming, announced by the new moon that occasions the festival. Israel is to take shelter, in reverting to the wilderness, in any random, ramshackle hut, covered with what nature has provided but in form and in purpose what man otherwise does not value. Israel's dwelling in the wilderness is fragile, random, and transient—like Israel

in the wilderness. Out of Egypt Israel atoned and lived, now, after the season of repentance, Israel has atoned and lived—but only in the condition of the wilderness, like the generation that, after all, had to die out before Israel could enter the Land and its intended-eternal life.

Reminding Israel annual by putting the Israelites into booths that Israel now lives like the generation of the wilderness then, sinful and meant to die, the halakhah underscores not only transience. It emphasizes the contemporaneity of the wilderness-condition: the Sukkah is constructed fresh, every year. Israel annually is directed to replicate the wilderness generation—Scripture says no less. The dual message is not to be missed: Israel is en route to the Land that stands for Eden, but Israel, even beyond the penitential season, bears its sin and must, on the near term, die, but in death enjoys the certainty of resurrection, judgment, and eternal life to come. What we are dealing with here is a re-definition of the meaning of Israel's abode and its definition. All seven days a person treats his Sukkah as his regular dwelling and his house as his sometime dwelling. On the occasion of the Festival, Israel regains the wilderness and its message of death but also transcendence over death in the entry into the Land. Only in the context of the New Year and the Day of Atonement, only as the final act in the penitential season and its intense drama, does Sukkot make sense. It is the halakhah that draws out that sense, in the provisions that define the valid Sukkah upon which such heavy emphasis is to be laid.

True, the Written Torah tells more about the observance of the Festival of Sukkot than about the occasion for the Festival. But viewed from the perspective of this study, what it does say—"that your generations may know that I made the people of Israel dwell in booths when I brought them out of the land of Egypt"—suffices. The reversion to the wilderness, the recapitulation of the wandering, the return to Israel's condition outside of the Land and before access to the Land, the remembrance of the character of that generation, its feet scarcely dry after passing through the mud of the Reed Sea when it has already built the Golden Calf—that is the other half of the cycle that commences at Passover and concludes at Sukkot. Who can have missed the point of the Festival, with Scripture's words in hand, "that I made the people of Israel dwell in booths"? The rabbis of the halakhah certainly did not.

Let us return to the eternal present established by the halakhah and compare the provisions for the principal halakhic moments,

Pesahim and Sukkah. Viewing the Festival of Tabernacles in the model of the Festival of Passover, we find that three elements require attention, in two divisions: what happens in the home, what happens in the Temple, and what happens in the home that connects the home to the Temple? Passover has the home cleansed of leaven, with the result that the bread of the holiday corresponds to the bread served to God in (most of) the meal offerings. What happens in the Temple is the sacrifice of the Passover offering. What happens in the home that connects the home to the Temple is the eating of the portions of the Passover offering that the ordinary Israelite on Passover eats, just as the priest in the Temple eats portions of the sin-offering (among other Most Holy Things). So, as we have seen, Passover marks the moment at which the home and the Temple are made to correspond, the whole taking place within the walls of Jerusalem.

That perspective turns out to clarify the divisions of the halakhah of Sukkah as well: what happens in the Temple is a celebratory rite involving the utilization of certain objects (lulab, etrog) and the recitation of the Hallel-Psalms. What happens in the home? The home is abandoned altogether, a new house being constructed for the occasion. During the Festival, the Israelite moves out of his home altogether, eating meals and (where possible) sleeping in the Sukkah, making the Sukkah into his regular home, and the home into the random shelter. Just as, in the wilderness, God's abode shifted along with Israel from place to place, the tabernacle being taken down and reconstructed time and again, so, in recapitulating the life of the wilderness, Israel's abode shifts, losing that permanence that it ordinarily possesses. What happens in the home that connects the home to the Temple? At first glance, nothing, there being no counterpart to the Passover Seder. But a second look shows something more striking. To see the connection we must recall that during the Festival a huge volume of offerings is presented day by day. There he will consume the festal offering (*Hagigah*) and other sacrificial meat, e.g., from the freewill offering. Israel removes to the housing of the wilderness to eat the Festival meat, doing in the Sukkah what God did in the Tabernacle in that epoch.

To find the religious meaning of the halakhah of Sukkot, therefore, we must ask, what, then, does the abode in the wilderness represent? To answer that question within the framework of the halakhah, we have to introduce two well-established facts. First, one

cannot over-stress that as the halakhah knows Sukkot, the Festival continues the penitential season commencing with the advent of Elul, reaching its climax in the season of judgment and atonement of the Days of Awe, from the first through the tenth of the month of Tishré, Rosh Hashshanah, the New Year, and Yom Hakkippurim, the Day of Atonement. Sukkot finds its place in the context of a season of sin and atonement. And since, as the rites themselves indicate, it celebrates the advent of the rainy season with prayers and activities meant to encourage the now-conciliated God to give ample rain to sustain the life of the Land and its people, the message cannot be missed. Israel has rebelled and sinned, but Israel has also atoned and repented: so much for the first ten days of the season of repentance.

At the new moon following, having atoned and been forgiven, Israel takes up residence as if it were in the wilderness. Why so? Because in the wilderness, en route to the Land, still-sinful Israel depended wholly and completely on God's mercy and good will and infinite capacity to forgive in response to repentance and atonement. Israel depends for all things on God, eating food he sends down from heaven, drinking water he divines in rocks—and living in fragile booths constructed of worthless shards and remnants of this and that. Even Israel's very household in the mundane sense, its shelter, now is made to depend upon divine grace: the wind can blow it down, the rain prevent its very use. Returning to these booths, built specifically for the occasion (not last year's), manipulating the sacred objects owned in particular by the Israelite who utilizes them, as the rainy season impends, the particular Israelite here and now recapitulates his total dependence upon God's mercy.

Accordingly, requiring that everything be renewed for the present occasion and the particular person, the halakhah transforms commemoration of the wandering into recapitulation of the condition of the wilderness. The Sukkah makes the statement that Israel of the here and now, sinful like the Israel that dwelt in the wilderness, depends wholly upon, looks only to, God. Israelites turn their eyes to that God whose just-now forgiveness of last year's sins and acts of rebellion and whose acceptance of Israel's immediate act of repentance will recapitulate God's on-going nurture that kept Israel alive in the wilderness. The halakhah's provisions for the Sukkah underscore not so much the transience of Israel's present life in general as Israel's particular condition. The halakhah renders Israel in the Sukkah as the people that is en route to the Land, which is

Eden. Yes, Israel is en route, but it is not there. A generation comes, a generation goes, but Israel will get there, all together at the end.

So in defining the Sukkah as it does, the halakhah also underscores the given of God's providence and remarkable forbearance. In a negative way the halakhah says exactly that at M. 2:9: "[If] it began to rain, at what point is it permitted to empty out [the Sukkah]? From the point at which the porridge will spoil. They made a parable: To what is the matter comparable? To a slave who came to mix a cup of wine for his master, and his master threw the flagon into his face." No wonder, then, that in the aggadah Sukkot is supposed to mark the opportunity for the Messiah to present himself and raise the dead.

5. Conclusion

When we examine matters in detail, we see that the aggadah's structure and system and those of the halakhah address a single topic, but from different angles of vision of Israel's existence, the one, outward-looking and the other, inner-facing. But both engaged by relationships, the one transitive ones and the other intransitive. It is the aggadah, fully set forth, that affords perspective on the halakhah—and vice versa. The halakhah in its way makes exactly the same statement about the same matters that the aggadah does in its categories and terms. But the aggadah speaks in large and general terms to the world at large, while the halakhah uses small and particular rules to speak to the everyday concerns of ordinary Israelites; the aggadah addresses exteriorities, the halakhah, interiorities, of Israel in relationship with God.

Categorically, the aggadah faces outward, toward humanity in general and correlates, shows the relationship of, humanity in general and Israel in particular. The theological system of a just world order answerable to one God that animates the aggadah, specifically, sets forth the parallel stories of humanity and Israel, each beginning with Eden (Israel: the Land of Israel), marked by sin and punishment (Adam's, Israel's respective acts of rebellion against God, the one through disobedience, the other through violating the Torah), and exile for the purpose of bringing about repentance and atonement (Adam from Eden, Israel from the Land). The system therefore takes as its critical problem the comparison of Israel with the Torah and the nations with idolatry. It comes to a climax in showing how the comparable stories intersect and diverge at the grave.

For from there Israel is destined to the resurrection, judgment, and eternity (the world to come), the nations (that is, the idolaters to the end) to death. When we examine the category-formation of the halakhah, by contrast, what we see is an account of Israel not in its external relationship to the nations but viewed wholly on its own. The lines of structure impart order from within. Each formation is responds to the rules of construction of the same social order—God's justice—but the aggadic one concerns Israel's social order in the context of God's transaction with humanity, the other, Israel's social order articulated within its own interior architectonics, thus the one, transitive, the other, intransitive.

The theology of the Oral Torah that the aggadic documents, and aggadic segments of halakhic ones portray focuses our attention upon one perspective and neglects the other. The outward-facing theology that coheres in the aggadic documents investigates the logic of creation, the fall, the regeneration made possible by the Torah, the separation of Israel and the Torah from the nations and idolatry, the one for life through repentance and resurrection, the other for death, and the ultimate restoration of creation's perfection attempted with Adam at Eden, but now through Israel in the Land of Israel. Encompassing the whole of humanity that knows God in the Torah and rejects idolatry, Israel encompasses nearly the whole of mankind, along with nearly the whole of the Israel of the epoch of the Torah and of the Messiah that has preceded. Thus the aggadah tells about Israel in the context of humanity, and hence speaks of exteriorities. Its perspectives are taken up at the border between outside and inside, the position of standing at the border inside and looking outward—hence 1) God and the world, 2) the Torah, and 3) Israel and the nations.

That other perspective, the one gained by standing at the border, inside and turning, looking still deeper within, responds to the same logic, seeking the coherence and rationality of all things. That perspective focuses upon relationships too. But now they are not those between God and mankind or Israel and the nations, but the ones involving 1) God and Israel, 2) Israel in its own terms, and 3) the Israelite in his own situation, that is, within the household in particular—terms that are amply defined only in the halakhic context.

CHAPTER TWO

THE HALAKHAH AND THE INNER LIFE OF THE ISRAELITE: THE CASE OF REPENTANCE AND ATONEMENT

Since the Halakhah of the Oral Torah makes so powerful a statement on the critical place of repentance in the process of atonement, we do well to see the matter in its aggadic context as well. Then the complementarity of the Halakhah and the Aggadah emerges with great clarity. What the Halakhah says by indirection, through its points of emphasis and tension and juxtaposition, the Aggadah states openly. The message is exactly the same: Here too, first comes repentance for sin, then it is time to atone for the sin: remorse, then reparation.

The logic of repentance is simple and familiar. It is a logic that appeals to the balance and proportion of all things. If sin is what introduces rebellion and change, and the will of man is what constitutes the variable in disrupting creation, then the theology of the Oral Torah makes provision for restoration through the free exercise of man's will. That requires an attitude of remorse, a resolve not to repeat the act of rebellion, and a good-faith effort at reparation, in all, transformation from rebellion against to obedience to God's will. So with repentance we come once more to an exact application of the principle of measure for measure, here, will for will, each comparable to, corresponding with, the other. World order, disrupted by an act of will, regains perfection through an act of will that complements and corresponds to the initial, rebellious one. That is realized in an act of willful repentance (Hebrew: *teshubah*).

Repentance, a statement of regret and remorse for the sin one has committed and hence an act of will, in the Oral Torah effects the required transformation of man and inaugurates reconciliation with God. Through a matched act of will, now in conformity with God's design for creation, repentance therefore restores the balance upset by man's act of will. So the act of repentance, and with it atonement, takes its place within the theology of perfection, disruption, and restoration, that all together organizes—shows the order of—the world of creation.

Apology does not suffice; an atoning act also is required. That is why repentance is closely related to the categories, atonement and Day of Atonement, and integral to them. The one in the cult, the other in the passage of time, respond to the change of will with an act of confirmation, on God's part, that the change is accepted, recognized, and deemed affective. That is because, through the act of repentance, a person who has sinned leaves the status of sinner, but must also atone for the sin and gain forgiveness, so that such a person is no longer deemed a sinner. Self-evidently, within a system built on the dialectics of competing wills, God's and man's, repentance comes first in the path to reconciliation. That is because the act of will involves a statement of regret or remorse, resolve never to repeat the act, and, finally, the test of this change of heart or will (where feasible). Specifically, it is a trial of entering a situation in which the original sin is possible but is not repeated. Then the statement of remorse and voluntary change of will is confirmed by an act of omission or commission, as the case requires.

Followed by atonement, therefore, repentance commences the work of closing off the effects of sin: history, time, change, inequity. It marks the beginning of the labor of restoring creation to Eden: the perfect world as God wants it and creates it. Since the Hebrew word, *teshubah*, is built out of the root for return, the concept is generally understood to mean, returning to God from a situation of estrangement. The turning is not only from sin but toward God, for sin serves as an indicator of a deeper pathology, which is, utter estrangement from God—man's will alienated from God's.

Teshubah then involves not humiliation but reaffirmation of the self in God's image, after God's likeness. It follows that repentance forms a theological category encompassing moral issues of action and attitude, wrong action, arrogant attitude, in particular. Repentance forms a step in the path to God that starts with the estrangement represented by sin: doing what I want, instead of what God wants, thus rebellion and arrogance. Sin precipitates punishment, whether personal for individuals or historical for nations, punishment brings about repentance for sin, which, in turn, leads to atonement for sin and, it follows, reconciliation with God. That sequence of stages in the moral regeneration of sinful humanity, individual or collective, defines the context in which repentance finds its natural home.

True, the penitent corrects damage one has actually carried out to his fellow man. But apart from reparations, the act of repentance

involves only the attitude, specifically substituting feelings of regret and remorse for the arrogant intention that lead to the commission of the sin. If the person declares regret and undertakes not to repeat the action, the process of repentance gets underway. When the occasion to repeat the sinful act arises and the penitent refrains from doing it again, the process comes to a conclusion. So it is through the will and attitude of the sinner that the act of repentance is realized; the entire process is carried on beyond the framework of religious actions, rites or rituals. The power of repentance overcomes sins of the most heinous and otherwise-unforgivable character. The following is explicit that no sin overwhelms the transformative power of repentance:

> Bavli Gittin 5:6 I.26/57b:
> A. A Tannaite statement:
> B. Naaman was a resident proselyte.
> C. Nebuzaradan was a righteous proselyte.
> D. Grandsons of Haman studied Torah in Bene Beraq.
> E. Grandsons of Sisera taught children in Jerusalem.
> F. Grandsons of Sennacherib taught Torah in public.
> G. And who were they? Shemaiah and Abtalion.

Shemaiah and Abtalion are represented as the masters of Hillel and Shammai, who founded the houses dominant in many areas of the Halakhah set forth in the Mishnah and related writings. The act of repentance transforms the heirs of the destroyers of Israel and the Temple into the framers of the redemptive Oral Torah.

That to such a remarkable extent God responds to man's will, which time and again has defined the dynamics of complementarity characteristic of the Oral Torah's theology, accounts for the possibility of repentance. As much as mercy completes the principle of justice, so repentance forms the complement to sin; without mercy, represented here by the possibility of repentance, justice as God defines justice cannot endure. For were man to regret sin and see things in God's way without a corresponding response from God, God would execute justice but not mercy, and, from sages' perspective, the world would fall out of balance. To them, therefore, it is urgent that God have his own distinctive message to the sinner, separate from the voices of Wisdom, Prophecy, and even the Pentateuch (the Torah narrowly defined), of the Written Torah:

> Yerushalmi-tractate Makkot 2:6 I:4/10a:

A. Said R. Phineas: "'Good and upright [is the Lord; therefore he instructs sinners in the way]' (Ps. 25:8).
B. "Why is he good? Because he is upright.
C. "And why is he upright? Because he is good.
D. "'Therefore he instructs sinners in the way—that is, he teaches them the way to repentance."

Now we interrogate the great compendia of God's will, Wisdom, Prophecy, then turn to God himself, and ask how to treat the sinner:

E. They asked wisdom, "As to a sinner, what is his punishment?"
F. She said to them, "Evil pursues the evil" (Prov. 13:21).
G. They asked prophecy, "As to a sinner, what is his punishment?"
H. She said to them, "The soul that sins shall die" (Ez. 18:20).
I. They asked the Holy One, blessed be he, "As to a sinner, what is his punishment?"
J. He said to them, "Let the sinner repent, and his sin will be forgiven for him."
K. This is in line with the following verse of Scripture: "Therefore he instructs sinners in the way" (Ps. 25:8).
L. "He shows the sinners the way to repentance."

The response of wisdom presents no surprise; it is the familiar principle of measure for measure, and prophecy concurs, but God has something more to say. Accordingly, the proposition concerns the distinctive mercy of God, above even the Torah. The data for the composition, E-L, respond to the question that is addressed to the components of the Torah, that is, what does prophecy say about the punishment of the sinner? But the question is prior, and the question forms part of the systemic plan: to demonstrate the uniquely merciful character of God, the way in which God is God.

But, as we shall see, the power of repentance is disproportionate, out of all balance with sin in a way in which the penalty for sin never exceeds the gravity of the sin. We may say that, while, when it comes to sin, God effects exact justice, when it comes to repentance, God accords mercy out of all proportion to the arrogance of the act of rebellion. The act of will that is represented by repentance vastly outweighs in effect the act of will that brings about sin. That is because one may commit many sins, but a single act of repentance encompasses them all and restores the balance that those sins all together have upset. So repentance makes sense, in its remarkable power, only in the context of God's mercy. It follows that any account of repentance and atonement must commence with a clear

statement of God's mercy, the logical precondition for the act of repentance.

Now as to the matter of divine mercy, God's mercy vastly exceeds His justice, so when God metes out reward, he does so very lavishly. So states T. Sotah 4:1: "I know only with regard to the measure of retribution that by that same measure by which a man metes out, they mete out to him (M . Sot. 1 :7A). How do I know that the same is so with the measure of goodness…." God's power to forgive sin, however formidable, and to reward virtue, however slight, is expressed in his acts of mercy. And the mercy of God comes to expression in his deeds:

Genesis Rabbah XXXIII:III.1f.

1. A. "The Lord is good to all, and his tender mercies are over all his works" (Ps. 145:9):
   B. Said R. Joshua b. Levi, "'The Lord is good to all, and his tender mercies are over all, for they are his works.'"
   C. Said R. Samuel bar Nahman, "'The Lord is good to all, and his tender mercies are over all, for lo, by his very nature, he extends mercy.'"
   D. R. Joshua in the name of R. Levi: "'The Lord is good to all, and out of his store of tender mercy he gives [mercy] to his creatures.'"
   E. R. Abba said, "Tomorrow a year of scarcity will come, and people will show mercy to one another, on account of which the Holy One, blessed be he, is filled with mercy for them." [This point will now be illustrated.]

The attitude of mercy that characterizes God must shape man's will, and that comes about when man needs mercy from Heaven and learns out of necessity to show mercy to other men. When God sees men treating one another mercifully, then God responds with an act of mercy of his own—a replay of the dynamics that produces *zekhut.* Here is a case in which what is at stake is shown:

2. A. In the time of R. Tanhuma Israel had need of a fast [on account of the lack of rain]. People came to him. They said to him, "Our master, decree a fast." He decreed a fast for one day, then for a second day, then for a third day, but it did not rain.
   B. He went up and preached to them, saying to them, "My children, show mercy for one another, and the Holy One, blessed be he, will show mercy to you."

The lesson is spelled out in so many words, and now we come to a remarkable act of uncoerced mercy, indeed, one that contradicts human nature:

C. While they were passing out charity, they saw a man giving money to a woman whom he had divorced. They came to [Tanhuma] and said to him, "How can we sit here while someone is doing such a thing!"
D. He said to them, "What did you see?"
E. They said to him, "We saw Mr. So-and-so paying off the woman he had divorced [so we assumed he was buying her sexual services]."
F. He sent the people to the man, and they brought him to the sage. He said to him, "Why did you give money to the woman you divorced?"
G. He said to him, "I saw her in great need and I felt pity for her."

Now the lesson is drawn from that remarkable act of self-abnegation and generosity, a lesson that pertains to Heaven and invokes the relationship captured by the word *zekhut:*

H. R. Tanhuma raised his face upward and said, "Lord of all ages, Now if this man, who was under absolutely no obligation to provide food for the woman, could see her in need and be filled with mercy for her, you, concerning whom it is written, 'The Lord is full of compassion and gracious' (Ps. 103:8), and whose children we are, that is, the children of those who are precious to you, children of Abraham, Isaac, and Jacob, how much the more so should you be filled with mercy for us!"
I. Forthwith the rain came and the world returned to prosperity.

The natural animal will not have shown mercy; the man had divorced the woman and having compensated her properly, owed nothing; but if he had divorced her, then reason suggests he bore her no good will. That is when the act of mercy takes place: it is to those to whom we owe nothing that an act of mercy must be offered, and the rest follows. So while God does not owe man the merciful act of responding to repentance, God shows man the right way by giving what he does not owe, and what man cannot demand or coerce—once more, the transaction that yields *zekhut.*

God takes an active role in bringing about the restoration of the perfection of the world. This he does by goading man into an act of repentance—the purpose of punishment of sin being not so much retributive as redemptive. Aiming at bringing about repentance, God first penalizes property, then the person, in the theory that the first

will arouse the man to reflect on what he has done, so a penalty exacted from the person himself will not be necessary, repentance having intervened:

Ruth Rabbah IX:i.1ff.

B. R. Huniah in the name of R. Joshua b. R. Abin and R. Zechariah son-in-law of R. Levi in the name of R. Levi: "The merciful Lord does not do injury to human beings first. [First he exacts a penalty from property, aiming at the sinner's repentance.]
C. From whom do you derive that lesson? From the case of Job: 'The oxen were plowing and the asses feeding beside them [and the Sabaeans fell upon them and took them and slew the servants with the edge of the sword; and I alone have escaped to tell you' (Job 1:14). Afterward: 'Your sons and daughters were eating and drinking wine in their eldest brother's house, and behold, a great wind came across the wilderness and struck the four corners of the house, and it fell upon the young people, and they are dead' (Job 1:19).]"
D. Now were the oxen plowing and the asses feeding beside them? Said R. Hama b. R. Hanina, "This teaches that the Holy One, blessed be He, showed him a paradigm of the world to come.
E. "That is in line with the following verse of Scripture: 'The plowman shall overtake the reaper'" (Amos 9:13).

In the manner of philosophers, assembling data from nature, sages gather further facts from Scripture, now in the case of Egypt:

2. A. So too it was in Egypt [that God punished the Egyptians herds before he punished the people themselves: "He gave over their cattle to the hail and their flocks to thunderbolts" (Ps. 78:48).
   B. And then: "He smote their vines and fig trees and shattered the trees of their country" (Ps. 105:33).
   C. And finally: "He smote all the firstborn in their land, the first issue of all their strength" (Ps. 105:36).

History having made its contribution to the process of proof, we turn to nature, which conforms:

3. A. So when leprous plagues afflict a person, first they afflict his house. If he repents the house requires only the dismantling of the affected stones. If not, the whole house requires demolishing.
   B. Lo, when they hit his clothing, if he repents, the clothing has only to be torn. If he did not repent, the clothing has to be burned.
   C. Lo, if one's body is affected, if he repents, he may be purified.

D. If the affliction comes back, and if he does not repent, "He shall dwell alone in a habitation outside the camp."
4. A. So too in the case of Mahlon and Chilion:
B. first their horses and asses and camels died, and then: Elimelech, and finally the two sons.

God warns before inflicting punishment, preferring repentance to imposing penalties for sin. It is a mark of his mercy. The proposition is demonstrated by four probative cases; these cases do not form a natural list but coalesce only in the matter at hand. The second, third, and fourth cases are presented in an unadorned way. No other point in common draws them together.

Repentance never stands alone but shares traits of two other actions and works with them to elicit God's mercy and avert harsh decrees from Heaven. Integral to the process of repentance, these are acts of prayer and of charity, both of them, like repentance, expressions of attitude and will. The act of prayer is a statement of dependence upon Heaven, a submission of man's will before God's mercy, and the act of charity, as we have already noted, embodies that attitude of will that man seeks to evoke from God. In like manner repentance belongs with charity and prayer; these three actions nullify the evil decree:

Yerushalmi-tractate Taanit 2:1/III:5
A. Said R. Eleazar, "Three acts nullify the harsh decree, and these are they: prayer, charity, and repentance."

Now the facts of Scripture are adduced to validate that statement:

B. And all three of them are to be derived from a single verse of Scripture:
C. "If my people who are called by my name humble themselves, [pray and seek my face, and turn from their wicked ways, then I will hear from heaven and will forgive their sin and heal their land]" (2 Chron. 7:14).
D. "Pray"— this refers to prayer.
E. "And seek my face"— this refers to charity,
F. as you say, "As for me, I shall behold thy face in righteousness; when I awake, I shall be satisfied with beholding thy form"] (Ps. 17:15).
G. "And turn from their wicked ways"— this refers to repentance.
H. Now if they do these things, what is written concerning them there?
I. "Then I will hear from heaven and will forgive their sin and heal their land."

To shape one's own future, one can take action to overcome the effects of past sin. Through prayer, acts of charity, and repentance, one may so express a change of attitude as to persuade Heaven to respond and change its attitude as well. The message is concrete, having to do with declaring a fast in response to the withholding of rain by Heaven.

As we noted at the very outset, repentance itself is complemented by yet another act of reconciliation, which is atonement. Just as repentance, prayer, and charity, form a natural cluster, so repentance and atonement form another. That is because repentance cannot be fully understood outside of the context of atonement; repentance forms a stage in the quest for atonement for, and complements the process that results in, the forgiveness of sin. While, as we have seen, the relationship of repentance and atonement is integral, atonement receives an exposition in its own terms as well. Here we shall see how repentance relates to atonement, and, presently, we shall take up atonement on its own as the goal of the entire transaction.

Repentance is the precondition of atonement; there is no atonement without the statement of remorse and appropriate, confirming action. If one rebels against God's rule and does not repent, no atonement is possible. But if he does repent. then the Day of Atonement effects atonement for him, so

Bavli-tractate Shebuot 1:1ff. XVI.2/13A

D. Rabbi says, "For all of the transgressions that are listed in the Torah, whether one has repented or not repented, the Day of Atonement attains atonement, except for one who breaks the yoke [of the kingdom of heaven from himself, meaning, denies God] and one who treats the Torah impudently, and the one who violates the physical mark of the covenant. In these cases if one has repented, the Day of Atonement attains atonement, and if not, the Day of Atonement does not attain atonement."

Now come the facts to validate the proposition:

E. What is the scriptural basis for the position of Rabbi?
F. It is in line with that which has been taught on Tannaite authority:
G. "Because he has despised the word of the Lord": This refers to one who is without shame in interpreting the Torah.
H. "And broken his commandment": This refers to one who re-

moves the mark fleshly arks of the covenant.

I. "That soul shatter utterly be cut of "Be cut off"—before the Day of Atonement. "Utterly"—after the day of atonement.

J. Might one suppose that that is the case even if he has repented?

K. Scripture says, "his iniquity shall be upon him" (Num. 15:31)—I say that the Day of Atonement does not effect atonement only when his iniquity is still upon him.

The contrary view invokes the same facts but interprets them differently:

L. And rabbis?

M. "That soul shatter utterly be cut of "Be cut off"—in this world. "Utterly"—in the world to come.

N. "his iniquity shall be upon him" (Num. 15:31)—if he repented and died, death wipes away the sin.

What is reconciled is the atoning power of the Day of Atonement with the intransigence of the sinner. How to explain the limits of the one in the face of the other? The answer lies in the power of repentance or of failure to repent, which explains when the Day of Atonement atones or fails. When faced with the possible conflict between the power of the Day of Atonement and the enormity of sins against Heaven itself, the resolution lies in invoking the matter of intentionality, expressed through the act of repentance or the failure to perform that act.

While repentance is required, in a system of hierarchical classification such as this one, the other components of the process, prayer in this case, have to be situated in relationship to one another. Whether or not repentance accomplishes the whole of atonement is subject to some uncertainty, since prayer retains a critical role in the process:

Leviticus Rabbah X:V.1

1. A. Judah b. Rabbi and R. Joshua b. Levi:

B. Judah b. Rabbi said, "Repentance achieves [only] part, while prayer achieves the complete [atonement]."

C. R. Joshua b. Levi said, "Repentance achieves the whole [of atonement], while prayer achieves only part [of atonement]."

The two views now have to be sustained by fact, and the facts of Scripture serve. But both parties are clear that repentance forms a stage in the path to atonement, with or without the necessity of prayer.

D. In the view of R. Judah b. Rabbi, who has said that repentance achieves [only] part [of the needed atonement], from whom do you derive proof?
E. It is from Cain, against whom a harsh decree was issued, as it is written, "A fugitive and a wanderer will you be on the earth" (Gen. 4:12). But when Cain repented, part of the harsh decree was removed from him.
F. That is in line with the following verse of Scripture: "Then Cain went away from the presence of the Lord and dwelt in the land of the wanderer [Nod], east of Eden" (Gen. 4:16). "In the land of a fugitive and a wanderer" is not written here, but rather, only "in the land of the wanderer." [The matter of being a fugitive is thus annulled.]
M. When he had left [God], the first man met him, saying to him, What happened at your trial?
N. He said to him, "I repented and copped a plea."

Here Cain illustrates the total power of repentance, meaning, confession and a statement of remorse:

O. When the first man heard this, he began to slap his own face, saying, "So that's how strong repentance is, and I never knew!"
P. At that moment, the first man pronounced [this Psalm], "A Psalm, the song for the Sabbath day" (Ps. 92:1) [which says, "It is a good thing to make a confession to the Lord" (Ps. 92:2)].
Q. Said R. Levi, "It was the first man who made up that psalm."

Now contrary facts are adduced for the opposed position:

2. A. In the view of Judah b. Rabbi, who said that prayer accomplishes the whole of the necessary atonement? From whence do you derive proof? It is from Hezekiah.
B. The allotted time for Hezekiah's rule was only fourteen years. That is in line with the following verse of Scripture: "And it happened in the fourteenth year of King Hezekiah [Sennacherib, king of Assyria came up against all the fortified cities of Judah and took them]" (Is. 36:1).
C. But when Hezekiah prayed, fifteen more years were added to his rule.
D. That is in line with the following verse of Scripture: "Behold, I will add fifteen years to your life" (Is. 38:5).

Another exemplary case is introduced:

3. A. In the view of R. Joshua b. Levi, who has said that repentance effects the whole of the required atonement, from whom do you derive evidence? From the inhabitants of Anathoth:

B. "Therefore thus says the Lord concerning the men of Anathoth, who seek your life and say, Do not prophecy . . . , Behold, I will punish them; the young men shall die by the sword; [their sons and their daughters shall die by famine; and none of them shall be left. For I will bring evil upon the men of Anathoth, the year of their punishment]" (Jer. 11:21-23).
C. But because they repented, they enjoyed the merit of being listed in the honorable genealogies: "The men of Anathoth were one hundred twenty-eight" (Ezra 2:23; Neh. 7:27).

We revert to the position that prayer accomplishes only part of atonement:

7. A. In the view of R. Joshua b. Levi, who has said that prayer only accomplishes part of the required atonement, from whom do you derive proof?
B. It is from Aaron, against whom a decree was issued.
C. That is in line with the following verse: "Moreover the Lord was very angry with Aaron, to have destroyed him" Deut. 9:20).
D. R. Joshua of Sikhnin said in the name of R. Levi, "The meaning of the word 'destruction' used here is only the utter extinction of all offspring, sons and daughters alike.
E. "That is in line with the following usage: 'And I destroyed his fruit from above and his roots from beneath'" (Amos 2:9).
F. Yet when Moses prayed on behalf of Aaron, only two of his sons died [Nadab and Abihu], while the other two survived.
G. "Take Aaron and his sons with him" (Lev. 8:2).

This protracted exercise shows how sages sifted facts of Scripture so as to test hypothesis. But the exposition of the complex interplay of repentance and atonement takes the form of not only narratives, exegesis of Scripture, and apodictic statements, but also—and especially—normative law. In the statement of law, the focus is on atonement, of the process of which repentance is a component. But there are other components as well. One is an offering at the Temple, a sin-offering in particular, which is accepted as atonement for an inadvertent act. One cannot deliberately sin and trade off with an animal sacrifice; God wants the heart, and an act of rebellion not followed by a change of heart is indelible. But if a sinful act is not deliberate, then a sin-offering suffices, along with an unconditional guilt offering.

Two other media of atonement for sin are death, on the one side, and the advent of the Day of Atonement, which accomplishes atone-

ment: "For on this day atonement shall be made for you to cleanse you of all your sins" (Lev. 16:30). Death marks the final atonement for sin, which bears its implication for the condition of man at the resurrection. Because one has atoned through sin (accompanied at the hour of death by a statement of repentance, "May my death be atonement for all my sins," in the liturgy in due course), when he is raised from the dead, his atonement for all his sins is complete. The judgment after resurrection becomes for most a formality. That is why "all Israel has a portion in the world to come," with the exception of a few whose sins are not atoned for by death, and that is by their own word. The Day of Atonement provides atonement, as the Written Torah makes explicit, for the sins of the year for which one has repented, and that accounts for the elaborate rites of confession that fill the day. Mishnah-tractate Yoma 8:8-9 has shown us how the media of atonement of death, for a lifetime, and the Day of Atonement, for the year just past, are sorted out. The first statement, at M. 8:7, sorts out the workings of repentance, death, the Day of Atonement, and atonement. We see that repentance on its own serves for the violation of commandments, for that involves God; when another man is involved in a man's sin, then the this-worldly counterpart to repentance, which is reparation and reconciliation, is required. The formulation underscores the tight weaving of the several components of a single tapestry.

First comes inadvertent sin, acts that violate God's will but are not done intentionally. A sin offering in the Temple in Jerusalem, presented for unintentional sins, atones, and therein we find the beginning of the definition of repentance. It lies in the contrast between the sin-offering at A, that is, atonement for unintentional sin, and those things that atone for intentional sin, which are two events, on the one side, and the expression of right attitude, *teshubah*, returning to God, on the other. The role of repentance emerges in the contrast with the sin-offering; what atones for what is inadvertent has no bearing upon what is deliberate. The willful sin can be atoned for only if repentance has taken place, that is to say, genuine regret, a turning away from the sin, after the fact therefore transforming the sin from one that is deliberate to one that is, if not unintentional beforehand, then at least, unintentional afterward. Then death, on the one side, or the Day of Atonement, on the other, work their enchantment.

The process of reconciliation with God—at-one-ment so to

speak—encompasses a number of steps and components, not only repentance; and repentance, for its part, does not reach concrete definition in the formulation of the process. This is how the Bavli deals with precisely the problem of intransigence on the part of the victim:

Bavli tractate Yoma 8:8-9 VI.1-2/87a-b

VI. 1. A. [Citing the Mishnah-rule:] For transgressions done between man and the Omnipresent, the Day of Atonement atones. For transgressions between man and man, the Day of Atonement atones, only if the man will regain the good will of his friend:

The matter of reconciling the other is now spelled out:

2. A. Said R. Isaac, "Whoever offends his fellow, even if through what he says, has to reconcile with him, as it is said, 'My son, if you have become surety for your neighbor, if you have struck your hands for a stranger, you are snared by the words of your mouth...do this now, my son, and deliver yourself, seeing you have come into the power of your neighbor, go, humble yourself, and urge your neighbor' (Prov. 6:1-3). If it is a money-claim against you, open the palm of your hand to him [and pay him off], and if not, send a lot of intermediaries to him."
   B. Said R. Hisda, "He has to reconcile with him through three sets of three people each: 'He comes before men and says, I have sinned and perverted that which was right and it did not profit me' (Job 33:27)."
   C. Said R. Yosé bar Hanina, "Whoever seeks reconciliation with his neighbor has to do so only three times: 'Forgive I pray you now...and now we pray you' (Gen. 50:17).
   D. "And if he has died, he brings ten people and sets them up at his grave and says, 'I have sinned against the Lord the God of Israel and against this one, whom I have hurt.'"

Specific cases exemplifying the working of the law now are set forth:

3. A. R. Abba had a complaint against R. Jeremiah, [Jeremiah] went and sat at the door of R. Abba. In the interval his serving girl through out slops. Some drops fell on his head. He said, "They've made a dung heap out of me," and about himself he cited the verse, "He raises up the poor out of the dust" (1 Sam. 2:8).
   B. R. Abba heard and came out to him, saying, "Now I must come out to seek reconciliation with you: 'Go, humble yourself and urge your neighbor' (Prov. 6:1)."

Here is how a sage gave the offending man an opportunity of reconciliation:

4. A. When R. Zira had a quarrel with someone, he would pass by him repeatedly, so as to show himself to him, so that the other might come forth to seek reconciliation with him.

But reconciliation is not always wanted, and the result is catastrophic for the recalcitrant:

B. Rab had a fight with a certain butcher. The butcher did not come to him on the eve of the Day of Atonement, so he said, "I shall go and seek reconciliation with him."
C. R. Huna met him. He said to him, "Where is the master going?"
D. He said to him, "To seek reconciliation with Mr. So-and-so."
E. He thought, 'Abba [Rab] is going to bring about the other's death."
F. [Rab] went and stood by the man. The other was sitting and chopping up a beast's head. He raised his eyes and saw him. He said to him, "You're Abba, go away, I have no business to do with you." While he was chopping the head, a bone flew off, struck his throat, and killed him.

The matter has its own limits. Beyond the specified point, the penitent has carried out his obligation as best he can, and nothing more is to be done.

But that provision for reconciliation even after the fact raises the question of deliberate and willful violation of the law, encompassing repentance—before the fact. And that is the point at which repentance loses its power. If to begin with one has insinuated repentance into the sinful act itself, declaring up front that afterward one will repent, the power of repentance is lost, the act of will denying the post facto possibility altogether. That is the point of Mishnah-tractate Yoma 8:9A-C, which is now amplified. For, we now observe, the issue of attitude takes over, and it is in the end the fundamental attitude that governs: if to begin with the willful act is joined to an act of will affecting the post-facto circumstance, all is lost; one's attitude to begin with nullifies all further possibilities.

Fathers According to Rabbi Nathan XL:

V. 1. A. He who says, "I shall sin and repent" will never suffice to carry out repentance.
B. "I will sin and the Day of Atonement will accomplish atone-

ment"—the Day of Atonement will not accomplish atonement.
C. "I shall sin and the day of death will wipe away the sin"—the day of death will not wipe away the sin.
D. R. Eliezer b. R. Yosé says, "He who sins and repents and then proceeds in an unblemished life does not move from his place before he is forgiven.
E. "He who says, 'I shall sin and repent' is forgiven three times but no more."

That is why there is no such thing as preemptive repentance, that is, planning in advance to atone for a sin. We shall presently take up atonement in its own terms; at this point it suffices to register that repentance leads to atonement, at which point God and man reconcile.

A sizable abstract allows the Talmud of Babylonia in its usual, systematic way to state the normative view of repentance. For, organizing topical presentations on such theological themes, the Talmud makes its definitive statement of the norms of the subject in the following terms, a sequence of sayings expressing the main components of the concept:

Babylonian Talmud Tractate Yoma 8:8-9 III.1/86a-b

6. A. Said R. Hama bar Hanina, "Great is repentance, which brings healing to the world: 'I will heal their backsliding, I will love them freely' (Hos. 14:5)."
B. R. Hama bar Hanina contrasted verses: "'Return you backsliding children'—who to begin with were backsliding. Vs. 'I will heal your backsliding' (Jer. 3:22). There is no contradiction, in the one case, the repentance is out of love, in the other, out of fear."

Now the matter of right motivation enters, love or fear. As we shall see presently, repentance is something that God too can precipitate, by bringing the penalty of suffering upon the sinner, so alerting him to the consequences of his act of rebellion:

C. R. Judah contrasted verses: "'Return you backsliding children, I will heal your backsliding' (Jer. 3:22). Vs. 'For I am lord to you, and I will take you one of a city and two of a family' (Jer. 3:14). There is no contradiction, in the one case, the repentance is out of love or fear, in the other, repentance comes as a consequence of suffering."

Now repentance is placed into the context of other data supplied by the Torah. First, the Written Torah's references to "return" all

are taken to pertain to repentance, and this yields a variety of insights into the power of repentance:

7. A. Said R. Levi, "Great is repentance, which reaches up to the throne of glory: 'Return, Israel, to the Lord your God' (Hos. 14:2)."
8. A. [86B] Said R. Yohanan, "Great is repentance, for it overrides a negative commandment that is in the Torah: 'If a man put away his wife and she go from him and become another man's wife, may he return to her again? Will not that land be greatly polluted? But you have played the harlot with many lovers, and would you then return to me, says the Lord' (Jer. 3:1)."

The next statement finds in repentance the key to redemption, the restoration of Israel to the Land of Israel, counterpart to the restoration of Man to Eden:

9. A. Said R. Jonathan, "Great is repentance, for it brings redemption near: 'And a redeemer shall come to Zion and to those who return from transgression in Jacob' (Is. 59:20)—how come 'a redeemer shall come to Zion'? Because of 'those who return from transgression in Jacob.'"

Repentance proves retroactive, transforming the very weight of sins already done:

10. A. Said R. Simeon b. Laqish, "Great is repentance, for by it sins that were done deliberately are transformed into those that were done inadvertently: 'And when the wicked turns from his wickedness and does that which is lawful and right, he shall live thereby' (Ez. 33:19)—now 'wickedness' is done deliberately, and yet the prophet calls it stumbling!"
11. A. Said R. Samuel bar Nahmani said R. Jonathan, "Great is repentance, for it lengthens the years of a person: 'And when the wicked turns from his wickedness...he shall live thereby' (Ez. 33:19)."

The power of repentance proves absolute, God's response disproportionate, as we already realize, because of the logic of justice that entails the attitude of mercy in response to the attitude of remorse:

12. A. Said R. Isaac, [or} they say in the West in the name of Rabbah bar Mari, "Come and take note of how the characteristic of the Holy One, blessed be he, is not like the characteristic of mortals. If a mortal insults his fellow by something that he has said, the other may or may not be reconciled with him.

> And if you say that he is reconciled with him, he may or may not be reconciled by mere words. But with the Holy One, blessed be he, if someone commits a transgression in private, he will be reconciled with him in mere words, as it is said, 'Take with you words and return to the Lord' (Hos. 14:3). And not only so, but [God] credits it to him as goodness: 'and accept that which is good' (Hos. 14:5); and not only so, but Scripture credits it to him as if he had offered up bullocks: 'So will we render for bullocks the offerings of our lips' (Hos. 14:5). Not you might say that reference is made to obligatory bullocks, but Scripture says, 'I will heal their backsliding, I love them freely' (Hos. 14:5)."

The claim for the power of repentance rises to a new height. Now one man's repentance can save the world:

> 13. A. It has been taught on Tannaite authority:
> B. R. Meir would say, "Great is repentance, for on account of a single individual who repents, the whole world is forgiven in its entirety: 'I will heal their backsliding, I will love them freely, for my anger has turned away from him' (Hos. 14:5). What is said is not 'from them' but 'from him.'"

We come now to the concrete definition of what seals the transaction of repentance, which is, the opportunity to perform the same action, which, on the second go-around, is rejected:

> 14. A. How is a person who has repented to be recognized?
> B. Said R. Judah, "For example, if a transgression of the same sort comes to hand once, and second time, and the one does not repeat what he had done."

The sinful act of rebellion, we recall, very commonly involves sexuality, so we cannot be surprised at the character of the illustration of the authentic act of repentance:

> C. R. Judah defined matters more closely: "With the same woman, at the same season, in the same place."

In this way the sinner shows the true regeneration of will: he has the opportunity to commit exactly the same sin under the same circumstances but responds with the proper attitude and consequent deed, this time, one of restraint and forbearance.

The act of repentance commences with the sinner, but then compels divine response; the attitude of the penitent governs, the motive—love, fear—making the difference. The power of repentance

to win God over, even after recurring sin, forms the leading theme—the leitmotif—of the composite. Israel's own redemption depends upon Israel's repentance. The concluding statement proves most concrete. Repentance takes place when the one who has sinned and declares his regret ("in words") faces the opportunity of repeating the sinful action but this time refrains, so No. 14. That we deal with the critical nexus in the relationship between God and humanity emerges in one composition after another, e.g., repentance overrides negative commandments of the Torah (the more important kind); brings redemption; changes the character of the already-committed sins; lengthens the life of the penitent. Not only so, but the power of repentance before the loving God of grace is such that mere words suffice. The upshot is, we deal with a matter of attitude that comes to the surface in concrete statements; but as to deeds, the penitent cannot repeat the sin, so no deed can be required; the penitent has a more difficult task: not to do again what he has done before.

But repentance is a far cry from loving and forgiving one's unrepentant enemy. God forgives sinners who atone and repent and asks of humanity that same act of grace—but no greater. For forgiveness without a prior act of repentance violates the rule of justice but also humiliates the law of mercy, cheapening and trivializing the superhuman act of forgiveness by treating as compulsive what is an act of human, and divine, grace. Sin is to be punished, but repentance is to be responded to with forgiveness, as the written Torah states explicitly: "You shall not bear a grudge nor pursue a dispute beyond reason, nor hate your brother in your heart, but you shall love your neighbor as yourself" (Lev. 19:18). The role of the sinful other is to repent, the task of the sinned-against is to respond to and accept repentance, at which point, loving one's neighbor as oneself becomes the just person's duty, so repentance forms the critical center of the moral transaction in a contentious and willful world.

The perfect balance between sin and repentance, mercy and forgiveness, emerges when we ask about the children of sinners. In the context of the Oral Torah, the question finds its meaning when we recall that when the founders of Israel, Abraham, Isaac, and Jacob, performed acts of supererogatory love for God and exemplary service, the *zekhut* with which God responded to their attitude accrued to the advantage of their heirs, Israel in time to come. For sages, the antonym of *zekhut* is sin, and since the causative, to cause others *zekhut* (to endow others with *zekhut*) finds its opposite in the causative,

to cause others to sin. So, in their language-world, even without the explicit statement of Exodus 20:5, "...visiting the sins of the parents upon the children, upon the third and fourth generations of those who reject me," it was natural to wonder about a heritage of not *zekhut* but guilt, unmerited favor matched by unearned penalty. This sages found it easy to re-frame in terms of their prevailing logic. They did so when they maintained that God punishes the sons who continue the sins of the father, but not those who repent of the fathers' sins:

Mekhilta Attributed to R. Ishmael LII:

I. 8: A. "visiting the iniquity of the fathers upon the children:"
   B. That is when there is no break in the chain, but not when there is a break in the chain.
   C. How so?
   D. In the case of a wicked person, son of a wicked person, son of a wicked person.

This is now instantiated and confirmed: in Israel so such sequence of wicked generations is to be imagined:

   E. R. Nathan says, "It is one who cuts down [the plantings], son of one who cuts down [the plantings], son of one who cuts down [the plantings]."
   F. When Moses heard this matter, "Moses made haste and bowed his head toward the earth and worshipped" (Ex. 34:8).
   G. He said, "God forbid, there cannot be among all the Israelites a wicked person, son of a wicked person, son of a wicked person."
9. A. Might one suppose that, just as the measure of punishment covers four generations, so the measure of goodness covers the same span of four generations?
   B. Scripture says, "to thousands."
   C. If "to thousands," might I understand that the minimum plural of "thousands" is two?
   D. Scripture says, "to a thousand generations" (Dt. 7:9), that is to say, to generations beyond all discover and all counting.

The question of fairness is implicit: if the father has sinned, what has the son done to merit punishment? The question finds its answer in a revision of the facts of the matter: if the son continues the father's tradition, he will be punished as the father was. This turns matters around.

That formulation of matters accounts for the statements concerning

the heirs of Israel's worst enemies, Haman and Sennacherib and the rest, cited earlier, and alerts us to the remarkable power of repentance. Indeed, the power of repentance overcomes all else:

Pesiqta deRab Kahana XXIV: XII.1

1. A. R. Judah the Patriarch in the name of R. Judah bar Simon: "Under ordinary circumstances if someone shoots an arrow, it may go a distance of a kor or two. But so great is the power of repentance that [the act of repentance] reaches the throne of glory."
   B. Said R. Yosé, "It is written, 'Open to me' (Song 5:2). Said the Holy One, blessed be He, 'Open to me an opening as small as a hole of a needle and I shall open for you a space through which military camps and siege engines can enter.'"
   C. R. Tanhuma in the name of R. Haninah, R. Aibu in the name of R. Simeon b. Laqish: "Repent for a brief moment and 'know that I am the Lord' (Ps. 46:11)."

Repentance is not only personal but public, as we should expect in a system that treats the private person and the community in accord with the same principles. Therefore just as Israelites repent and are forgiven, so all Israel will do the same. That is why repentance emerges as the precondition of redemption:

   D. Said R. Levi, "If the Israelites repented for a single day, they would be redeemed.
   E. "What verse of Scripture makes that point? '[He tends one flock in his care.] Today if you listen to his voice '(Ps. 95:7)."

All Israel in the end must do is confess God as the one true God:

   F. Said R. Judah bar Simon, "'Return, Israel, to the Lord your God' (Hosea 14:2), even if you have denied the very principle [of the faith]."

And that may be done in circumstances that avoid humiliating the sinner, even in private for a public action:

   G. Said R. Eleazar, "Under ordinary circumstances, if someone humiliates his fellow in public and after a while wants to conciliate him, the other says, 'Are you going to humiliate me in public and then conciliate me in private? Go and bring those people before whom you humiliated me and in their presence I shall be conciliated with you.'

   H. "But the Holy One, blessed be He, is not that way. Rather, a

> person may go and blaspheme and curse in the market place, but the Holy One, blessed be He, says to him to repent 'even between you and me and I shall accept you.'"

The sinner, therefore, finds every reason to tame his will and accept God's word, giving up arrogance and ceasing rebellion. God's mercy accomplishes the rest of the process of reconciliation, once man has taken the smallest step.

So much for repentance, testimony to the deep logic of a theology that aims at the perfection of creation, as God originally made it, and that finds in man's intentionality the cause for the imperfections in creation. Earlier we noted that repentance marked only one stage on the path toward the restoration, but that atonement defined the next step. We now consider atonement in its own terms.

As we now realize, by atonement, sages understand an act or event (death or the Day of Atonement in particular) that removes the effects of sin by bringing about God's forgiveness of sin. The forms of the Hebrew based on the root KPR do not exhaust the category, for any action that produces the result of removing the effect of a sin will fit into that category, whether or not labeled an act of *kapparah*. The written Torah speaks of atoning offerings in the Temple. Atonement in this age, without the Temple and its offerings, is accomplished through charity, so b. B.B. 1:5 IV.23/9a: And said R. Eleazar, "When the Temple stood, someone would pay off his sheqel-offering and achieve atonement. Now that the Temple is not standing, if people give to charity, well and good, but if not, the gentiles will come and take it by force. And even so, that is still regarded for them as an act of righteousness: 'I will make your exactors righteousness' (Is. 60:17)."

The principal categorical component is the atonement brought about by the advent of the Day of Atonement. So, for instance, on that day the high priest, representing all Israel, brings about atonement through the rites of the Day of Atonement, beginning with the confession. Scripture presents diverse facts on a given sin, the penalty thereof, and the media of remission of the penalty, and reason and exegesis then make possible the classification of those facts into a coherent whole, as we saw at Tosefta Kip. 4:6-8 and its expansion in the Bavli. The four kinds of atonement are worked out in their own systematic and logical terms, but the verses of Scripture then contribute to the validation of the classification-scheme. There is a grid established by positive and negative commandments, in-

tersecting with the matter of repentance; then there is the grid established by the kind of penalty—extirpation or the earthly court's death sentence; here repentance and the Day of Atonement form the intersecting grid; and then there is the matter of the profanation of the divine name, in which case repentance and the Day of Atonement come into play along with suffering and death. So the point of differentiation is established by appeal to the type of sin, on the one side, and the pertinent penalties, on the second, and the effects of media of atonement—repentance, death, Day of Atonement, suffering. The entire complex exhibits the traits of mind that we have met many times: systematic classification by indicative traits, an interest in balance, order, complementarity, and commensurate proportionality.

But here we come to an unanticipated fact, which is a moment in man's relationship to God to which man's intentionality is null. God's mercy so exceeds man's just deserts that one's intention as to atonement may or may not affect the actuality of atonement. In the case of one's violation of a positive commandment, even if one did not repent and so conform to the correct intentionality, the Day of Atonement—on its own, by divine decree, as an act of supererogatory mercy utterly unrelated to considerations of justice, accomplishes the atonement. But as to negative commandments that one has deliberately violated, the Day of Atonement atones only if the sinner repents,:

Yerushalmi-tractate Yoma 8:7

I: 1. A. As to violation of a positive commandment, [the Day of Atonement effects atonement] even if the person did not repent.
B. As to violation of a negative commandment—
C. R. Samuel in the name of R. Zeira: "[The Day of Atonement effects atonement] only if the person repented [of violating the negative commandment]."

If one denies the power of the burnt-offering to effect atonement, nonetheless, his attitude is null, and the offering effects atonement *ex opere operato:*

I: 2. A. He who states, "The burnt-offering does not effect atonement, the burnt-offering does not effect atonement for me,"—
B. the burnt-offering effects atonement for him.

But if he declared that he did not want the burnt offering to effect atonement for him in particular, then the offering is null:

C. [If he said,] "I do not want [the burnt-offering] to effect atonement for me," it does not effect atonement for him against his will.

The same pattern is repeated for other media of atonement, beginning with the Day of Atonement:

D. [If he said,] "The Day of Atonement does not effect atonement," the Day of Atonement effects atonement.
E. [If he said,] "I do not want it to effect atonement for me," it effects atonement for him against his will.
F. [Y. Shebu. 1:6 adds:] As to an offering, whether he said, "I do not believe that this offering effects atonement," or, "that it effects atonement for me," or if he said, "I know it does effect atonement, but I do not want it to effect atonement for me," in all of these cases, it does not effect atonement against his will.

The analysis of these positions shows what is at stake, which is, the power of the Day of Atonement to accomplish atonement without regard to the intentionality of those affected by it:

G. Said R. Haninah b. R. Hillel, "Is it not logical that the rule should be just the opposite? [In the case of an offering, whatever the man said, he did indeed bring an offering. But as to the Day of Atonement, if he said that he did not want it to effect atonement for him, it should not effect atonement for him.]"
H. Does someone say to a king, "You are not a king"? [Surely not. So whatever the man says, the Day of Atonement does effect atonement.]

Why the burnt offering does not prove effective if one rejects its affects upon his situation is now spelled out:

I: 3. A. The burnt-offering effects atonement for the murmurings of one's heart.
B. What is the scriptural basis for that statement?
C. "What is in your mind shall never happen" (Ezek. 20:32).
D. Said R. Levi, "The burnt-offering effects atonement for what is in your mind, and so Job states, 'And when the days of the feast had run their course, Job would send and sanctify them, and he would rise early in the morning and offer burnt-offerings according to the number of them all; for Job said, "It may be that my sons have sinned, and cursed God in their hearts." Thus Job did continually' (Job 1:5). This indicates that the

burnt-offering effects atonement for the murmurings of the heart."

A further qualification now affects what has already been said, namely, the power of the Day of Atonement to work *ex opere operato*. That is nearly total:

I: 4. A Rabbi says, "For all transgressions which are listed in the Torah the Day of Atonement effects atonement, except for the one who totally breaks the yoke [of Heaven] off of him, who removes the signs of the covenant, or who behaves presumptuously against the Torah.
B. "For if such a person does repent, then atonement is effected for him, but if not, it is not effected for him."
C. R. Zebida said R. Yosé raised the question: "Does Rabbi truly maintain that [except for the specified cases] the Day of Atonement [otherwise] effects atonement without [the sinner's] repenting?"
D. R. Asian, R. Jonah, R. Ba, R. Hiyya in the name of R. Yohanan: "Rabbi concurs that the Day of Atonement does not effect atonement without an act of repentance. But one's death washes away sin without an act of repentance."
E. And so it has been taught: The day of one's death is tantamount to an act of repentance.
F. Who taught that statement? It was Rabbi.
G. Is this in line with that which we have learned there:
H. Death and the Day of Atonement effect atonement [only] with an act of repentance?
I. That teaching is not in accord with the position of Rabbi.

Facts do not affect outcomes, but what one wills—intentionality—does.

However, the Day of Atonement has its own autonomous power, unaffected by an individual's intentionality. An argument a fortiori suggests the opposite. When that view is challenged, the mode of argument is to appeal to a metaphor, in this case, the king. If one tells the king he is not king, he is still king. There are facts that stand in the face of the argument a fortiori. But when it comes to suspending the effects of the Day of Atonement, the condition of one's heart makes a difference, since the Day of Atonement serves only with repentance. So intentionality in general is null, but intentionality specifically with reference to the Day of Atonement is effective. Rabbi imposes a special rule having to do with someone outside of the

framework of the faith, who rejects the covenant and the Torah. Such a person is untouched by the Day of Atonement and its power, unless he repents and gives effect to that Day. The logic is, one who rejects the entire system gains no benefit, ex opere operato, from the system. He is bound by the logic of his own position. So too, death is a universal solvent for the stain of sin.

Sages do recognize limits to the power of repentance and atonement. They recognize that, in the world order, atonement does not always accomplish its goals. for with genuinely evil persons repentance on its own may not suffice to accomplish atonement. Specifically, they recognize that genuinely wicked people may repent but not for long, or their repentance in the end proves incommensurate to the affront against God that they have committed. The process of repentance and atonement therefore works only in a limited way. In this doctrine they are able in yet another way to account for the prosperity of the wicked.

The Fathers According to R. Nathan XXXIX:V.1

XXXIX:

V.1. A. The repentance of genuinely wicked people suspends [their punishment], but the decree against them has been sealed.
B. The prosperity of the wicked in the end will go sour.
C. Dominion buries those that hold it.
D. Repentance suspends [punishment] and the Day of Atonement achieves atonement.
E. Repentance suspends [punishment] until the day of death, and the day of death atones, along with repentance.

The wicked enjoy this world, getting their reward now, but they do not gain the life eternal of the world to come. The righteous suffer now, atoning for their sins through suffering, but they will have a still more abundant life in the world to come:

The Fathers According to R. Nathan XXXIX:VII.1

A. They [immediately, in this world] pay off the reward owing to the wicked [for such good as they may do], while they credit to the righteous [the reward that is coming to them, but do not pay it off, rather paying them off in the world to come].
B. They pay off the reward owing to the wicked [in this world] as though they were people who had carried out the Torah ungrudgingly, in whom no fault had ever been found.
C. They credit to the righteous [the reward that is coming to them, but do not pay it off, rather paying them off in the world to

come], as though they were people lacking all good traits.
D. They thus give a little bit to each party, with the bulk of the remainder laid up for them.

In these ways, the complementary doctrines of repentance and atonement are given nuance, fitting together with comparable doctrines to account for the condition of individuals in the here and now.

But that repentance does not serve for certain extreme cases of sin alerts us to the possibility that repentance may not cover certain types of sin. In theory there ought to be no atonement for gossip and involuntary manslaughter, but the Torah has provided means of atonement, in a statement that we have already noted in another connection:

Song of Songs Rabbah XLVIII:v.5
5. A. R. Simon in the name of R. Jonathan of Bet Gubrin: "For two matters there was no atonement, but the Torah has provided atonement for them, and these are they:
B. "Gossip and involuntary manslaughter."

In theory, there should be no atonement, but the Torah provided in the cult for even those who disrupt the community of Israel through slander and gossip. The community has to be protected from those who disturb its just order, but even those who do so can atone for their sin in a process commencing with repentance.

So much for the individual Israelite, what about the community of Israel viewed whole? That all Israel may and should engage in acts of repentance and atonement hardly requires articulation; it is taken for granted in every discussion of the Day of Atonement, which speaks of the community as much as of the private person. So from the individual sinner, the Israelite, we take up that other category of world order, the whole of holy Israel. If God's mercy for the individual sinner vastly outweighs the guilt of the sinner, then all the more so does God treat Israel with abundant mercy. God forgives Israel sins that vastly exceed those of the gentiles.

Adam found no fault with God, even though he paid for his sin; Adam accepted the justice of God's decree. But, as we shall see, Israel found fault with God. Yet God forgave them. That pattern, repeatedly embodied in cases, shows the full extent of God's capacity to forgive Israel and promises the result of Israel's repentance, when it comes about:

Pesiqta deRab Kahana XIV:V.1

A. It is written, "Thus said the Lord, What wrong did your fathers find in me that they went far from me and went after worthlessness and became worthless?" (Jer. 2:5)
B. Said R. Isaac, "This refers to one who leaves the scroll of the Torah and departs. Concerning him, Scripture says, 'What wrong did your fathers find in me that they went far from me?'
C. "Said the Holy One, blessed be He, to the Israelites, 'My children, your fathers found no wrong with me, but you have found wrong with me.

Adam comes first:

D. "'The first Man found no wrong with me, but you have found wrong with me.'
E. "To what may the first Man be compared?
F. "To a sick man, to whom the physician came. The physician said to him, 'Eat this, don't eat that.'
G. "When the man violated the instructions of the physician, he brought about his own death.
H. "[As he lay dying,] his relatives came to him and said to him, 'Is it possible that the physician is imposing on you the divine attribute of justice?'
I. "He said to them, 'God forbid. I am the one who brought about my own death. This is what he instructed me, saying to me, 'Eat this, don't eat that,' but when I violated his instructions, I brought about my own death.

Adam bears responsibility for Adam, but also serves as model for mankind:

J. "So too all the generations came to the first Man, saying to him, 'Is it possible that the Holy One, blessed be He, is imposing the attribute of justice on you?'
L. "He said to them, 'God forbid. I am the one who has brought about my own death. Thus did he command me, saying to me, 'Of all the trees of the garden you may eat, but of the tree of the knowledge of good and evil you may not eat' (Gen. 2:17). When I violated his instructions, I brought about my own death, for it is written, 'On the day on which you eat it, you will surely die '(Gen. 2:17).'

Pharaoh, Israel's enemy, affirmed the justice of God's decree, a model for Israel:

M. "[God's speech now continues:] 'Pharaoh found no wrong with me, but you have found wrong with me.'

A parable realizes the allegation:

N. "To what may Pharaoh be likened?
O. "To the case of a king who went overseas and went and deposited all his possessions with a member of his household. After some time the king returned from overseas and said to the man, 'Return what I deposited with you.'
P. "He said to him, 'I did not such thing with you, and you left me nothing.'
Q. "What did he do to him? He took him and put him in prison.
R. "He said to him, 'I am your slave. Whatever you left with me I shall make up to you.'
S. "So, at the outset, said the Holy One, blessed be He, to Moses, 'Now go and I shall send you to Pharaoh '(Ex. 3:10).
T. "That wicked man said to him, 'Who is the Lord that I should listen to his voice? I do not know the Lord' (Ex. 2:5).
U. "But when he brought the ten plagues on him, 'The Lord is righteous and I and my people are wicked '(Ex. 9:27).

So too Pharaoh's opposite and nemesis, Moses, accepted the justice of God's decree:

V. "[God's speech now continues:] 'Moses found no wrong with me, but you have found wrong with me.'

Once more, a parable serves to embody the proposition:

W. "To what may Moses be compared?
X. "To a king who handed his son over to a teacher, saying to him, 'Do not call my son a moron.'"
  AA. [Resuming the discourse:] "One time the teacher belittled the boy and called him a moron. Said the king to him, 'With all my authority I instructed you, saying to you, Do not call my son a fool,' and yet you have called my son a fool. It is not the calling of a smart fellow to go along with fools. [You're fired!]'
  BB. "Thus it is written, 'And the Lord spoke to Moses and to Aaron and commanded them concerning the children of Israel' (Ex. 6:13).
  CC. "What did he command them? He said to them, 'Do not call my sons morons.' But when they rebelled them at the waters of rebellion, Moses said to them, 'Listen, I ask, you morons' (Num. 20:10).
  DD. "Said the Holy One, blessed be He, to them, 'With all my authority I instructed you, saying to you, Do not

call my sons fools,' and yet you have called my sons fools. It is not the calling of a smart fellow to go along with fools. [You're fired!]'

EE. "Therefore, what is written is not 'You [singular] therefore shall not bring, but you [plural] therefore shall not bring' (Num. 20:12). [For God said,] 'Neither you nor your brother nor your sister will enter the Land of Israel.'

So no one has found fault with God, but Israel has found fault with God, and, nonetheless, God forgave them:

FF. "[God's speech now continues:] Said the Holy One, blessed be He, to Israel, 'Your fathers in the wilderness found no wrong with me, but you have found wrong with me.'

GG. "'I said to them, 'One who makes an offering to other gods will be utterly destroyed '(Ex. 22:19), but they did not do so, but rather, 'They prostrated themselves to it and worshipped it' (Ex. 32:8).

HH. "After all the wicked things that they did, what is written, 'And the Lord regretted the evil that he had considered doing to his people' (Ex. 32:14)."

The proposition concerning Israel—only Israel found fault with God—yields a still more consequential one, concerning God's mercy. If we juxtapose Adam, Pharaoh, Moses, with no further explanation, we are not compelled to reach the conclusion at hand, and the elaborate amplification of each entry underscores that only by selecting appropriate details of the repertoire associated with each category do we attain our goal. That means the juxtaposition of native categories on its own does not supply the rule that yields the (systemically-) intelligible proposition at hand.

Now, to move forward: any discussion involving the community of Israel draws in its wake Israel's antonym, the gentiles, that is, the other component of humanity viewed whole. Now here, surely, the nations of the world lay claim to a place in the process of reconciliation. But their condition is defined not by particular acts of rebellion against God, e.g., gossip or transgression of other laws of the Torah, but rather by the condition of idolatry, an act of rebellion that transcends all details. And to overcome their condition, the gentiles have to give up idolatry and accept the Torah, the statement of God's will. Short of doing so, no repentance is possible, no

atonement even relevant. That basic definition of the gentiles explains why, in being accorded the opportunity for repentance, Israel gains a role in shaping the destiny of the cosmos; in being denied that opportunity (except so far as they give up their idols and become Israel), the nations remain bystanders to the drama of creation.

Quite naturally, therefore, the nations raise the question of why Israel should be forgiven by the Day of Atonement, when they do not enjoy the same advantage. The nations of the world indict Israel for committing the same sins that the nations practice, but the Day of Atonement effects atonement for Israel:

Leviticus Rabbah XXI:IV.1

A. Rabbis interpret [the intersecting] verse ["The Lord is my light and my salvation; whom shall I fear? [The Lord is the stronghold of my life; of whom shall I be afraid?]" (Ps. 27:1)] to speak of the New Year and Day of Atonement:
B. "'My light' [Ps. 27:1] is on the New Year.
C. "'And my salvation' [Ps. 27:1] is on the Day of Atonement.
D. "'Whom shall I fear' [Ps. 27:1]: 'The Lord is my strength and my song' [Ex. 15:2].
E. "'When evildoers come near me' [Ps. 27:2] refers to the princes [of heaven] who represent the nations of the world.

As a matter of fact, Israel in ordinary life is neither better than, nor different from the nations. In committing the cardinal, absolute sins of murder, fornication, and idolatry, Israel rebels against God. But Israel repents and atones through the act of repentance and the Day of Atonement, so these effects atonement for Israel, while the gentiles are excluded. Why is this so?

F. "'To eat my flesh' [Ps. 27:2]: For the princes representing the nations of the world come and draw an indictment against Israel before the Holy One, blessed be he, saying before him, 'Lord of the world, these [nations] practice idolatry and those [Jews] practice idolatry. These practice fornication and those practice fornication. These shed blood and those shed blood. Why then do these [nations of the world] go down to Gehenna and those do not go down?'
G. "'My adversaries and foes' [Ps. 27:2]: You find that the number of days in the solar year are three hundred sixty-five, but the number of names of Satan are three hundred and sixty-four.
H. "For on all the days of the year, Satan is able to draw up an indictment, but on the Day of Atonement, Satan is not able

to draw up an indictment.

I. "Said the Israelites before the Holy One, blessed be he, 'Though a host encamp against me'—the host of the nations of the world,
J. "'My heart shall not fear' [Ps. 27:3].
K. "'Though war arise against me'—the war of the nations of the world.
L. "'In this I shall trust' [Ps. 27:3].
M. "In this which you have promised me: 'With this will Aaron come' [Lev. 16:3] [on the Day of Atonement]."

The Day of Atonement is transformed into the occasion for an act of trust, so that, with the Day of Atonement, Israel is accorded atonement despite its actions during the rest of the year. The nations of the world, enemies of Israel, on that day cannot send their paraclete against Israel.

Gentiles, estranged from God by idolatry, gain no benefit from the heritage of unearned grace that the saints of Israel leave to Israel. We already have noted that there are other means of repentance and atonement besides the Day of Atonement. Deemed comparable to sacrifices, for example, is the death of the righteous or of sages, and these too accrue to Israel's advantage. Here too gentiles with their idolatry cannot participate, and so they have no role in the coming restoration, no task to perform:

Yerushalmi-tractate Yoma 1:1 I:2

[FF] In the view of R. Yohanan, why is the death of the sons of Aaron called to mind in this context, for they died only in the setting of the rite of consecration?
[GG] Said R. Hiyya bar Ba, "The sons of Aaron died on the first day of Nisan. And why is their death called to mind in connection with the Day of Atonement?
[HH] "It is to indicate to you that just as the Day of Atonement effects expiation for Israel, so the death of the righteous effects atonement for Israel."

The same pertains to the death of Miriam and the death of Aaron:

[II] Said R. Ba bar Binah, "Why did the Scripture place the story of the death of Miriam side by side with the story of the burning of the red cow?
[JJ] "It is to teach you that just as the dirt of the red cow [mixed with water] effects atonement for Israel, so the death of the righteous effects atonement for Israel."

[KK] Said R. Yudan b. Shalom, "Why did the Scripture set the story of the death of Aaron side by side with the story of the breaking of the tablets?

[LL] "It is to teach you that the death of the righteous is as grievous before the Holy One, blessed be he, as the breaking of the tablets."

None of this pertains to gentiles, excluded as they are by their own decision to reject the Torah.

The Temple, uniquely Israel's in the process of repentance and atonement, figures in yet another way. Song too constitutes a form of atonement, and the Song takes place in the Temple, once more omitting reference to the gentiles:

Yerushalmi-tractate Taanit 4:2 II.3

[L] How do we know that the song [in the Temple] is called a form of atonement?

[M] Hinena. father of Bar Netah, in the name of *R.* Benaiah: "'To make atonement for the people of Israel'—this refers to the song.

[N] How do we know that the song is indispensable [to the cult]?

[O] R. Jacob bar Aha, R. Bulatah in the name of R. Hinena: "'To make atonement for the people of Israel'—this refers to the song.'"

We recall that the garments that the high priest wears on the Day of Atonement also signify, and effect, atonement. The upshot is, just as the will of man, initially of Adam but then localized in Israel, disrupts the world order and stands against the will of God, so God responds to the regeneration of that will in acts of repentance and atonement only as these are carried out by Israel.

Clearly, then, what is at stake in repentance and atonement vastly transcends issues of this world. Time and again we have noted that repentance, along with atonement, forms the condition of the restoration of world order. Even in the here and now, Israel is able through repentance to reconcile itself with God, and in God's own time, the reconciliation—Israel's will now voluntarily conforming to God's word—will mark the end of the world as man knows it and the beginning of the time of restoration. That is why repentance forms the bridge between the analysis of the imperfection of world order and the account of the restoration of world order at the last. In so many words repentance is linked to the salvation of the individual

Israelite and the redemption of Israel, for these mark the return to Eden.

And so we find, as I surmised earlier, that repentance is required if one is to be resurrected at the end of time and gain a portion in the world to come:

> A. Said R. Jonah in the name of R. Hama bar Hanina, "One who dies during the seven year [battle of] Gog [Ezekiel 38-39] [so as not to suffer fully the troubles of the nation] does not have a portion in the coming world.
> B. "The mnemonic sign for this is: 'One who takes part in the wedding preliminaries will [also] have a share in the wedding feast.'" {But whoever is not involved in the preliminaries does not have a part in the feast.}
> C. R. Yosé heard [this] and said, "Now, is this really true?
> D. "[For] there is always repentance [as a method of earning a place in] the world to come." [This applies even if the individual has not suffered along with the Israelite nation.]
> Y. Shebi'it 4:10 VI [Translation by Alan J. Avery-Peck]

The act of repentance then serves to secure the victory over death represented by resurrection and consequent entry into the world to come—a considerable result.

Once we ask about how repentance forms a principal requirement for the restoration of life over death, in resurrection, and the restoration of Israel over its condition of exile and alienation, turn to the place of repentance in the end of the world as it now is. We begin with the figure of the Messiah, an important motif in all discussions of matters of eschatology: the resurrection of the dead, the advent of the world or age to come. We already realize that Israel's repentance is a precondition for salvation, hence for the coming of the Messiah. We should not find surprising, then, that the characterization of the Messiah should stress his humility, as much as the promise of his coming to raise the dead should rest upon Israel's conduct as well.

For the theology of the Oral Torah delivers in diverse ways its single, fundamental messages concerning world order attained through humility before God. In the present instance the theology takes up the Messiah-theme to make its statement. It says, the true Messiah will be humble, and the false Messiah will be marked as false by his arrogance toward God. What we already have learned about repentance in the Oral Torah has made inevitable—indeed

urgent—that very odd juxtaposition, the contrapuntal relationship of arrogance and repentance, sinfulness and reconciliation. Here is how the false Messiah shows why he cannot save Israel, and in so many words, it is because of his blasphemous arrogance:

Lamentations Rabbah LVIII:ii.8ff.

4. A. Rabbi would interpret the verse, "There shall come forth a star out of Jacob" (Num. 24:17) in this way: "Do not read the letters of the word for 'star' as 'star' but as 'deceit.'"
5. A. When R. Aqiba saw Bar Koziba, he said, "This is the royal messiah."
   B. R. Yohanan b. Torta said to him, "Aqiba, grass will grow from your cheeks and he will still not have come."

We are now told why Aqiba is wrong:

7. A. Eighty thousand trumpeters besieged Betar. There Bar Koziba was encamped, with two hundred thousand men with an amputated finger.
   B. Sages sent word to him, saying, "How long are you going to produce blemished men in Israel?"
   C. He said to them, "And what shall I do to examine them [to see whether or not they are brave]?"
   D. They said to him, "Whoever cannot uproot a cedar of Lebanon do not enroll in your army."
   E. He had two hundred thousand men of each sort [half with an amputated finger, half proved by uprooting a cedar].

Now comes the explicit statement of the false Messiah's arrogance toward Heaven:

8. A. When they went out to battle, he would say, "Lord of all ages, don't help us and don't hinder us!"
   B. That is in line with this verse: "Have you not, O God, cast us off? And do not go forth, O God, with our hosts" (Ps. 60:12).

It would be difficult to find a passage more directly opposed to sages' fundamental theological convictions than Bar Kokhba's explicit rejection of God's help in favor of his own strength.

Now a separate story underscores the unsuitable character of this particular Messiah, namely, the mark of arrogance represented by temper. Losing one's temper is a mark of arrogance toward Heaven, and here Bar Kokhba does just that:

10. A. For three and a half years Hadrian besieged Betar.
    B. R. Eleazar the Modiite was sitting in sack cloth and ashes, pray-

ing, and saying, "Lord of all the ages, do not sit in judgment today, do not sit in judgment today."
C. Since [Hadrian] could not conquer the place, he considered going home.
D. There was with him a Samaritan, who said to him, "My lord, as long as that old cock wallows in ashes, you will not conquer the city.
E. "But be patient, and I shall do something so you can conquer it today."

The first act is one of gossip:

F. He went into the gate of the city and found R. Eleazar standing in prayer.
G. He pretended to whisper something into his ear, but the other paid no attention to him.

From slander the conspiracy turns to false witness, taking God's name in vain:

H. People went and told Bar Koziba, "Your friend wants to betray the city."
I. He sent and summoned the Samaritan and said to him, "What did you say to him?"
J. He said to him, "If I say, Caesar will kill me, and if not, you will kill me. Best that I kill myself and not betray state secrets."

The false Messiah proved a false judge as well, rejecting even the testimony in his hands and the plea of the honest sage:

K. Nonetheless, Bar Koziba reached the conclusion that he wanted to betray the city.
L. When R. Eleazar had finished his prayer, he sent and summoned him, saying to him, "What did this one say to you?"
M. He said to him, "I never saw that man."
N. He kicked him and killed him.
O. At that moment an echo proclaimed: "Woe to the worthless shepherd who leaves the flock, the sword shall be upon his arm and upon his right eye" (Zech. 11:17).
P. Said the Holy One, blessed be He, "You have broken the right army of Israel and blinded their right eye. Therefore your arm will wither and your eye grow dark."
Q. Forthwith Betar was conquered and Ben Koziba was killed.

That God has responded to the arrogance of the Messiah is now

underscored. On his own, Hadrian could have accomplished nothing. It was God who killed the Messiah, not Hadrian:

R. They went, carrying his head to Hadrian. He said, "Who killed this one?"
S. They said, "One of the Goths killed him," but he did not believe them.
T. He said to them, "Go and bring me his body."
U. They went to bring his body and found a snake around the neck.
V. He said, "If the God of this one had not killed him, who could have vanquished him?"
W. That illustrates the following verse of Scripture: "If their Rock had not given them over...." (Dt. 32:30).

The same attitude is set forth in a further story of the arrogance of the army of the Messiah, which repeated the Messiah's plea to heaven, Let him not help us nor hinder us, and which was defeated not by Hadrian's army but by God:

19. A. There were two brothers in Kefar Haruba, and no Roman could pass by there, for they killed him.
B. They decided, "The whole point of the thing is that we must take the crown and put it on our head and make ourselves kings."
C. They heard that the Romans were coming to fight them.
D. They went out to do battle, and an old man met them and said, "May the Creator be your help against them."
E. They said, "Let him not help us nor hinder us!"
F. Because of their sins, they went forth and were killed.
G. They went, carrying his head to Hadrian. He said, "Who killed this one?"
H. They said, "One of the Goths killed him," but he did not believe them.
I. He said to them, "Go and bring me his body."
J. They went to bring his body and found a snake around the neck.
K. He said, "If the God of this one had not killed him, who could have vanquished him?"
L. That illustrates the following verse of Scripture: "If their Rock had not given them over...." (Dt. 32:30).

Arrogance toward God, rather than repentance and remorse, thus characterize the false Messiah. If, then, Israel wants to bring about

the restoration, whether the individual to life or Israel to the Land, it will accomplish repentance.

That view is expressed in the statement that when Israel really wants the Messiah to come, he will come. But we are now aware of the special weight attached to the word, "want" or "will." What Israel must want is only what God wants. What Israel must do is give up any notion of accomplishing on its own, by its own act of will, the work of redemption. It is only through the self-abnegation of repentance that Israel can accomplish its goal. Specifically, when Israel's will conforms to the will of God, then God will respond to the act of repentance by bringing about the time of restoration and eternal life. This is expressed in a colloquy that announces, the Messiah will come when all Israel keeps a single Sabbath. And that will take place when Israel wants it to take place. It requires only an act of will on the part of Israel to accept one of the Ten Commandments. Then in a broader restatement of matters, the entire redemptive process is made to depend upon Israel's repentance:

Yerushalmi-tractate Taanit 1:1 II:5:

G. The Israelites said to Isaiah, "O our Rabbi, Isaiah, What will come for us out of this night?"
H. He said to them, "Wait for me, until I can present the question."
I. Once he had asked the question, he came back to them.
J. They said to him, "Watchman, what of the night? What did the Guardian of the ages say [a play on 'of the night' and 'say']?"
K. He said to them, "The watchman says: 'Morning comes; and also the night. [If you will inquire, inquire; come back again]'" (Is. 21:12).
L. They said to him, "Also the night?"
M. He said to them, "It is not what you are thinking. But there will be morning for the righteous, and night for the wicked, morning for Israel, and night for idolaters."

Now comes the main point in the exchange: when will this happen? It will happen when Israel wants. And what is standing in the way is Israel's arrogance, to be atoned for by Israel's remorseful repentance:

N. They said to him, "When?"
O. He said to them, "Whenever you want, He too wants [it to be]—if you want it, he wants it."

P. They said to him, "What is standing in the way?"
Q. He said to them, "Repentance: 'come back again'" (Is. 21:12).

This is stated in the clearest possible way: one day will do it.

R. R. Aha in the name of R. Tanhum b. R. Hiyya, "If Israel repents for one day, forthwith the son of David will come.
S. "What is the scriptural basis? 'O that today you would hearken to his voice!'" (Ps. 95:7).

Now comes the introduction of the Sabbath as a test case:

T. Said R Levi, "If Israel would keep a single Sabbath in the proper way, forthwith the son of David will come.
U. "What is the scriptural basis for this view? 'Moses said, Eat it today, for today is a Sabbath to the Lord; [today you will not find it in the field]' (Ex. 16:25).
V. "And it says, '[For thus said the Lord God, the Holy One of Israel], 'In returning and rest you shall be saved; [in quietness and in trust shall be your strength.' And you would not]'" (Is. 30:15). By means of returning and [Sabbath] rest you will be redeemed.

The main point, then, is the linkage of repentance to the coming restoration of Israel to the Land, the dead to life, by the Messiah. But the advent of the Messiah depends wholly upon Israel's will. If Israel will subordinate its will to God's, all else will follow.

To hasten Israel's repentance, God promises to abrogate those conditions of prosperity that bring about excessive confidence in one's own power and therefore nurture arrogance. The Messiah will come when all Israel will keep a single Sabbath. The matter therefore depends upon Israel's own conduct, which expresses Israel's attitude and will. What is required therefore is repentance, an act of humility that removes the consequences of arrogance. Now the tribulations that accompany the Messiah are placed into the context of Israel's conduct, rather than world history, and the point appears to be, if Israel suffers, it will repent, and when it repents, God will respond with love and bring the age to come. Accordingly, the Messiah will come at the right time, which is when Israel is in greatest need of his advent. The pre-conditions for the coming of the Messiah, God's response to Israel's repentance, are described variously, and the calculations to decipher events prove even more diverse. But the generative conviction that repentance and that alone will bring

about the restoration accounts for the systematic speculation on the tribulations that will accompany the advent of the Messiah:

Bavli-tractate Sanhedrin 11:1 I.81-2, 87, 90-92, 97/96b-97a

I.81. A. Said R. Nahman to R. Isaac, "Have you heard when the son of 'the fallen one' will come?"
B. He said to him, "Who is the son of 'the fallen one'?"
C. He said to him, "It is the Messiah."
D. "Do you call the Messiah 'the son of the fallen one'?"
E. He said to him, "Yes, for it is written, 'On that day I will raise up [97A] the tabernacle of David, the fallen one' (Amos 9:11)."

A mark of tribulation will be the suffering of the sages, among all Israel.

F. He said to him, "This is what R. Yohanan said, 'The generation to which the son of David will come will be one in which disciples of sages grow fewer,
G. "'and, as to the others, their eyes will wear out through suffering and sighing,
H. "'and troubles will be many, and laws harsh, forever renewing themselves so that the new one will hasten onward before the old one has come to an end.'"

The world of nature will conspire to bring Israelite repentance:

I.82. A. Our rabbis have taught on Tannaite authority:
B. The seven year cycle in which the son of David will come:
C. As to the first one, the following verse of Scripture will be fulfilled: "And I will cause it to rain upon one city and not upon another" (Amos 4:7).
D. As to the second year, the arrows of famine will be sent forth.
E. As to the third, there will be a great famine, in which men, women, and children will die, pious men and wonder-workers alike, and the Torah will be forgotten by those that study it.
F. As to the fourth year, there will be plenty which is no plenty.
G. As to the fifth year, there will be great prosperity, and people will eat, drink, and rejoice, and the Torah will be restored to those that study it.
H. As to the sixth year, there will be rumors.
I. As to the seventh year, there will be wars.
J. As to the end of the seventh year [the eighth year], the son of David will come.
K. Said R. Joseph, "Lo, how many seven-year-cycles have passed

like that one, and yet he has not come."

L. Said Abbayye, "Were there rumors in the sixth year and wars in the seventh year? And furthermore, did they come in the right order?"

Israel's own situation will reach the nadir, with few disciples, no cash, and many traitors; people will give up hope of redemption. Then, in a state of desperation, they may repent:

I.87. A. Our rabbis have taught on Tannaite authority:
B. "For the Lord shall judge his people and repent himself of his servants, when he sees that their power has gone, and there is none shut up or left" (Deut. 32:36).
C. The son of David will come only when traitors are many.
D. Another matter: Only when disciples are few.
E. Another matter: Only when a penny will not be found in anyone's pocket.
F. Another matter: Only when people will have given up hope of redemption, as it is said, "There is none shut up or left" (Deut. 32:36), as it were, when there is none [God being absent] who supports and helps Israel.
G. That accords with the statement of R. Zira, who, when he would find rabbis involved in [figuring out when the Messiah would come], would say to them, 'By your leave, I ask you not to put it off.
H. "For we have learned on Tannaite authority: Three things come on the spur of the moment, and these are they: the Messiah, a lost object, and a scorpion."

Above all, the arrogant will die out in Israel, and that is the point at which repentance can take place for the entire community of Israel:

I.97. A. Said R. Hanina, "The son of David will come only when a fish will be sought for a sick person and not be found, as it is said, 'Then I will make their waters deep and cause their rivers to run like oil' (Ez. 32:14), and it is written, 'In that day I will cause the horn of the house of Israel to sprout forth' (Ez. 29:21)."
B. Said R. Hama bar Hanina, "The son of David will come only when the rule over Israel by the least of the kingdoms will come to an end, as it is said, 'He shall both cut off the springs with pruning hooks and take away and cut down the branches' (Is. 18:5), and further: 'In that time shall the present be brought to the Lord of hosts of a people that is scattered and peeled' (Is. 18:7)."

In constructions on when the Messiah comes, the issue of arrogance arises quite regularly, and in the next two entries, is explicit:

C. Said Zeiri said R. Hanina, "The son of David will come only when arrogant people will no longer be [found] in Israel, as it is said, 'For then I will take away out of the midst of you those who rejoice in your pride' (Zeph. 8:11), followed by: 'I will also leave in the midst of you an afflicted and poor people, and they shall take refuge in the name of the Lord' (Zeph. 3:12)."

D. Said R. Simlai in the name of R. Eliezer b. R. Simeon, "The son of David will come only when all judges and rulers come to an end in Israel, as it is said, 'And I will turn my hand upon you and purely purge away your dross and take away all your tin, and I will restore your judges as at the first' (Is. 1:25-26)."

Clearly, little thought about the resolution of the crisis in which Israel finds itself takes place without addressing the issue of repentance, and that issue is commonly framed in terms of arrogance. These formulations express in detail the principal theological doctrine that relates world order to the struggle of God's and Israel's conflicting wills.

But God's other paramount trait, mercy, complementing his justice, will then make its entry. Consistent with the emphasis on the tribulations that will bring about repentance and consequent redemption, a necessary doctrine of God's mercy is restated in this very context. It is that God will ultimately forgive Israel when Israel throws itself on God's mercy. Israel's repentance will assuredly evoke God's response of mercy and forbearance, which is to say, an equal and balanced response:

Bavli-tractate Shabbat 9:3-4 II.2-3

II.2. A. Raba expounded, "What is the meaning of this verse of Scripture: 'Go now and let us reason together, shall the Lord say' (Is. 1:18)? Instead of 'go' what is required is 'come.'

B. "In the time to come the Holy One, blessed be He, will say to Israel, 'Go to your fathers and they will rebuke you.'

C. "And they shall say to him, 'Lord of the world, to whom shall we go? Should it be to Abraham, to whom you said, "Know for sure that your seed shall be a stranger...and they shall afflict them..." (Gen. 15:23)—and he didn't seek mercy for us? To Isaac, who blessed Esau, "And it shall come to pass that when you shall have dominion" (Gen. 27:40), and yet he did not seek mercy for us? To Jacob, to whom you said, "I will go down

with you to Egypt" (Gen. 46:4), and he didn't ask for mercy for us? So to whom shall we go now? Rather let the Lord say!'

D. "The Holy One, blessed be He, will say to them, 'Since you have thrown yourselves on me, "though your sins be as scarlet, they shall be as white as snow" (Is. 1:18).'"

In the end even the grace accruing to the patriarchs will not suffice to save Israel, only their return to God will redeem them. But trusting in God will surely serve. We now go over the same matter in a more elaborate statement:

II.3 . A. Said R. Samuel bar Nahmani said R. Jonathan, "What is the meaning of the verse of Scripture: 'For you are our father, though Abraham doesn't know us, and Israel doesn't acknowledge us, you Lord are our father, our redeemer, from everlasting is your name' (Is. 63:16)?

The formulation, recalling how the saints live in a single plane of time and communicate with one another over eternity, has a dialogue between God, Abraham, Isaac and Jacob:

B. "In the time to come the Holy One, blessed be He, will say to Abraham, 'Your children have sinned against me.' He will answer him, 'Lord of the world, let them be wiped out for the sake of the sanctification of your name.'

So implacable an answer cannot serve, and God cannot accept it:

C. "And he will say, 'So I'll go and say this to Jacob, who went through the pain in raising children, maybe he'll ask for mercy for them.' So he will say to Jacob, 'Your children have sinned against me.' He will answer him, 'Lord of the world, let them be wiped out for the sake of the sanctification of your name.'

Jacob does not improve upon Abraham. Isaac then intervenes:

D. "He will say, 'There's no good sense in old men and no good counsel in young ones.' I'll go tell Isaac, 'Your children have sinned against me.' He will answer him, 'Lord of the world, are they my children and not your children? At the moment when they said to you first '"we will do" and then "we will hearken," you called them "Israel, my son my firstborn" (Ex. 4:22). Now you're calling them my sons, not your sons! And furthermore, how much have they sinned, how many years does a man live? Seventy. Take off twenty for which you don't impose punishment [Num. 14:29: Those who rejected the gift of the land were punished from twenty years of age and up-

> ward], leaving fifty. Take off twenty-five that cover the nights, when people don't sin. Take off twelve and a half for praying, eating, and shitting—and all you've got is twelve and a half. So if you can take it, well and good, and if not, then let half be on me and half on you And if you should say, they all have to be on me, well, now, I offered myself up to you as a sacrifice.'
> E. "They therefore open prayers saying, 'For you are our father.'

Isaac now gives up the honor owing to him in favor of the honor owing to God, and Israel responds, turning to God:

> F. "Then will Isaac say to them, 'Instead of praising me, praise the Holy One, blessed be He,' and Isaac will show them the Holy One, blessed be He, with their own eyes.
> G. "On the spot they will raise up their eyes to the heavens and say, 'You Lord are our father our redeemer, from everlasting is your name' (Is. 63:16)."

This statement presents in a somewhat odd way quite commonplace sentiments. By this point in our review of complex and disparate materials, we recognize the recurrence of the few and simple propositions concerning repentance, encompassing atonement that begins with repentance.

The theology delivers a few, simple messages, repeating them with great power of intricate variation, but in all with little substantive change. That is because, as we have already noted, sages adopt as their mode of thought the paradigmatic way of organizing and interpreting experience. They look for patterns that are simple but capable of sustaining endless applications, and they find in narrative and exegesis of narrative (whether of their own or more commonly of Scripture's stories) the ideal mode of making their statement. In this case, it is the story of how God created an orderly world but at the climax of creation made man, in his image, after his likeness.

Man both complemented and corresponded with God, and it was man's freedom, meaning, his effective will and power of intentionality, that matched God's will. When these conflict, man's arrogance leads him to rebel against God, sin resulting. And from sin comes the imperfection of world order, change, inequity, imbalance. Punished and remorseful, man gives up his arrogant attitude and conforms his will to God's. God responds with mercy, freely accepting the reformation that is freely offered. Then world order restored,

that perfection effected at the outset is regained for Israel, which means, for God's part of mankind. Eden, now the Land of Israel, is recovered, Adam, now embodied in Israel, is restored to his place. For the Israelite death dies, man rises from the grave to life eternal. For Israel the gentiles' rule comes to an end, and Israel regains the Land. Repentance then marks the recovery of the world as God wanted it to be, which is to say, the world in which Israel regains its promised place.

CHAPTER THREE

THEOLOGY OF JUDAISM HALAKHAH AND AGGADAH

The normative law, or *Halakhah*, of the Oral Torah defines the principal medium by which the Rabbinic sages who in antiquity founded Judaism as we know it set forth their message. Norms of conduct, more than norms of conviction, served to convey the sages' statement. But the exposition of matters of religious belief, or Aggadah, undertakes a critical task as well, and how the Halakhah and the Aggadah together set forth the theology of Judaism whole and in proportion and balance. One without the other leaves the work incomplete.

The theology of the Written and Oral Torah—that is, Judaism—conveys the picture of world order based on God's justice and equity. The categorical structure of the Oral Torah encompasses the components, in sequential order: God and man; the Torah; Israel and the nations. The working-system of the Oral Torah's Aggadah finds its dynamic in the struggle between God's plan for creation—to create a perfect world of justice—and man's will. That dialectics embodies in a single paradigm the events contained in the sequences, rebellion, sin, punishment, repentance, and atonement; exile and return; or the disruption of world order and the restoration of world order. The Halakhah manifestly means to form Israel in particular into the embodiment of God's plan for a perfect world of justice, and so corresponds in its principal divisions to the three categories of the Aggadic theology, of which more presently.

The Aggadah's theology: Now, as a matter of fact, none of these categories and propositions, God, Torah, Israel, a struggle between God's word and man's will, Israel and the Torah and the gentiles and their idolatry, for instance, is new. Anyone familiar with the principal components of the faith and piety of Judaism, the Written Torah, the Oral Torah, and the liturgy of home and synagogue, will find them paramount. In this context theology concerns not only proposition but principle, its task takes up not identifying normative beliefs alone but forming them into a logos—a sustained, rigorous, coherent theory, embodied in actualities (facts of Scripture, just

as natural history appeals to facts of nature) joined to a compelling argument that can be set forth in narrative-sequential form.

Four principles of the theology of the Oral Torah emerge in the documents of mainly Aggadic character. These principles are not only necessary but sufficient to encompass the entirety of the theology set forth in the Aggadic writings, overspreading some of the Halakhic ones, and, not only so, but, the order in which they are given is absolutely required; any other order would violate the simplest rules of logic and yield complete chaos, which is to say, polytheism, not monotheism:

1) God formed creation in accord with a plan, which the Torah reveals. World order can be shown by the facts of nature and society set forth in that plan to conform to a pattern of reason based upon justice. Those who possess the Torah—Israel—know God and those who do not—the gentiles—reject him in favor of idols. What happens to each of the two sectors of humanity, respectively, responds to their relationship with God. Israel in the present age is subordinate to the nations, because God has designated the gentiles as the medium for penalizing Israel's rebellion, meaning through Israel's subordination and exile to provoke Israel to repent. Private life as much as the public order conforms to the principle that God rules justly in a creation of perfection and stasis.

2) The perfection of creation, realized in the rule of exact justice, is signified by the timelessness of the world of human affairs, their conformity to a few enduring paradigms that transcend change (theology of history). No present, past, or future marks time, but only the recapitulation of those patterns. Perfection is further embodied in the unchanging relationships of the social commonwealth (theology of political economy), which assure that scarce resources, once allocated, remain in stasis. A further indication of perfection lies in the complementarity of the components of creation, on the one side, and, finally, the correspondence between God and man, in God's image (theological anthropology), on the other.

3) Israel's condition, public and personal, marks flaws in creation. What disrupts perfection is the sole power capable of standing on its own against God's power, and that is man's will. What man controls and God cannot coerce is man's capacity to form intention and therefore choose either arrogantly to defy, or humbly to love, God. Because man defies God, the sin that results from man's rebellion flaws creation and disrupts world order (theological theod-

icy). The paradigm of the rebellion of Adam in Eden governs, the act of arrogant rebellion leading to exile from Eden thus accounting for the condition of humanity. But, as in the original transaction of alienation and consequent exile, God retains the power to encourage repentance through punishing man's arrogance. In mercy, moreover, God exercises the power to respond to repentance with forgiveness, that is, a change of attitude evoking a counterpart change. Since, commanding his own will, man also has the power to initiate the process of reconciliation with God, through repentance, an act of humility, man may restore the perfection of that order that through arrogance he has marred.

4) God ultimately will restore that perfection that embodied his plan for creation. In the work of restoration death that comes about by reason of sin will die, the dead will be raised and judged for their deeds in this life, and most of them, having been justified, will go on to eternal life in the world to come. In the paradigm of man restored to Eden is realized Israel's return to the Land of Israel. In that world or age to come, however, that sector of humanity that through the Torah knows God will encompass all of humanity. Idolaters will perish, and humanity that comprises Israel at the end will know the one, true God and spend eternity in his light.

Now, recorded in this way, the story told by the Oral Torah proves remarkably familiar, with its stress on God's justice (to which his mercy is integral), man's correspondence with God in his possession of the power of will, man's sin of rebellion against God and God's response. If we translate into the narrative of Israel, from the beginning to the calamity of the destruction of the (first) Temple, the picture of matters that is set forth in both abstract and concrete ways in the Oral Torah, we turn out to state the human condition in terms of Israel. Then we find a reprise of the Authorized History laid out in Genesis through Kings and amplified by the principal prophets. Man set his will against God's word, sinned, and was exiled from Eden. Man's counterpart, Israel formed by the Torah, entered the Land, sinned, and was exiled from the Land.

Not only is the story familiar—Eden, fall, restoration, first Adam, then Israel, working through the same pattern—but the category-formation, creation, revelation, and redemption, imparting the dynamic ("the system") through which the story unfolds, is equally familiar. That is because the liturgy of synagogue and home recapitulates characteristic modes of thought of the Oral Torah and

reworks its distinctive constructions of exemplary figures, events, and conceptions. The governing liturgical-creedal category-formation, creation, revelation, redemption, set forth in the proclamation of the Shema and its accompanying blessings, fore and aft, matches in structure and in system. That is how sages defined the Torah, a.k.a., "Judaism," when they maintained from the very beginning that they possessed the Torah revealed by God to Moses at Mount Sinai ("Moses received Torah at Sinai and handed it on to Joshua, Joshua to elders, and elders to prophets, and prophets handed it on to the men of the great assembly"). So, in contemporary language, the theology of the Oral Torah recapitulates the theology of Scripture, when Scripture is read forward toward the Oral Torah, and adumbrates the theology of the liturgy, thus Judaism pure and simple.

So here, beginning with the integrating basics, encompassing the entire expanse of creation and humanity, from first to last things, are the ideas that impart structure and order to, and sustain, the whole. Starting with the doctrine of world order that is just and concluding with eternal life, here is the simple logic that animates all the parts and makes them cohere. The generative categories defined just now prove not only imperative and irreducible but, in the context of the narrative, also logically sequential. Each of the four parts of the theology of the Oral Torah—1) the perfectly just character of world order, 2) indications of its perfection, 3) sources of its imperfection, 4) means for the restoration of world order and the result of the restoration—belongs in its place and set in any other sequence the four units become incomprehensible. Not only so but each component of the whole in order, drawing upon its predecessor, pointing toward its successor, forms part of an unfolding story that can be told in only one direction and in the dictated order and in no other way. Shift the position of a generative component and place it before or after some other, and the entire flow of thought is disrupted. That is the mark of a well-crafted theology, a coherent structure, a compelling system.

So much for the religious system, culminating in a systematic theology, that is set forth by a thorough reading of the mainly-Aggadic documents and the Aggadic passages of the Halakhic documents that all together comprise the entire corpus of the Oral Torah of the formative age. Sages themselves declare that truly to know the One-Who-by-Speaking-Brought-the-World-into-Being, we should turn to the Aggadah. But with prophets and Psalmists the sages also

insisted that we see God's face in justice, and justice concerns not only abstractions concerning creation and world order but equity in everyday transactions. Now to return to the distinct, and complementary, perspectives of the Aggadah and the Halakhah as these focus upon the condition of holy Israel in relationship to God, community, and self.

The theology of the Halakhah: The Aggadic statement addresses exteriorities, the Halakhic one, interiorities, of Israel's life with God. When we consider the program of the Halakhah, the topics that define its native categories, we find a quite distinct and autonomous construction, one that hardly intersects, *categorically*, with the Aggadah. How so? If the native categories of the Aggadah find definition in the story of mankind, derive their dynamism and energy in the conflict of God's word and man's will, compose their system in the working of repentance and (ultimate) restoration of humanity to Eden, none of these categories is matched by a counterpart in the Halakhah's category-formation—not repentance, not redemption, not Eden and the fall and the restoration. If the Aggadah organizes large components of its entire system within such categories as Eden/Land of Israel or Adam/Israel or fall/exile, the Halakhah responds with large categories that deal with Kilayim, mixed seeds, Shebi'it, the Sabbatical year, and 'Orlah, produce of a tree in the first three years after its planting. What can one thing have to do with the other? Indeed only a few principal native-categories in the Aggadic theology intersect with principal native-categories of the Halakhah. Since the native- or organizing categories of the Halakhah are defined by the Mishnah and confirmed by the consequent exegetical documents, the Tosefta, the Yerushalmi, and the Bavli, we turn out to deal with two quite separate constructions.

The Aggadah's structure and system and those of the Halakhah address a single topic, but from different angles of vision of Israel's existence, one, outward-looking and the other, inner-facing, both engaged by relationships, the one transitive and the other intransitive. It is the Aggadah, fully set forth, that affords perspective on the Halakhah—and vice versa. The Halakhah in its way makes exactly the same statement about the same matters that the Aggadah does in its categories and terms. But the Aggadah speaks in large and general terms to the world at large, while the Halakhah uses small and particular rules to speak to the everyday concerns of

ordinary Israelites. The Aggadah addresses exteriorities, the Halakhah, interiorities, of Israel in relationship with God.

Look again at the focus of the Aggadic theology summarized just now in the four principal units spelled out above. Categorically, the Aggadah faces outward, toward humanity in general and correlates, shows the relationship of, humanity in general and Israel in particular. The theological system of a just world order answerable to one God that animates the Aggadah, specifically, sets forth the parallel stories of humanity and Israel, each beginning with Eden (Israel: the Land of Israel), marked by sin and punishment (Adam's, Israel's respective acts of rebellion against God, the one through disobedience, the other through violating the Torah), and exile for the purpose of bringing about repentance and atonement (Adam from Eden, Israel from the Land). The system therefore takes as its critical problem the comparison of Israel with the Torah and the nations with idolatry.

It comes to a climax in showing how the comparable stories intersect and diverge at the grave. For from there Israel is destined to the resurrection, judgment, and eternity (the world to come), the nations (that is, the idolaters to the end) to death. When we examine the category-formation of the Halakhah, by contrast, what we see is an account of Israel not in its external relationship to the nations but viewed wholly on its own. The lines of structure impart order from within. The Halakhah portrays intransitive Israel, focusing upon its inner life. That fact further explains why the category-formation of the Aggadah does not correspond with that of the Halakhah. Each formation is responds to the rules of construction of the same social order—God's justice—but the Aggadic one concerns Israel's social order in the context of God's transaction with humanity, the other, Israel's social order articulated within its own interior architectonics, thus, the one, transitive, the other, intransitive.

Halakhic interiority and Aggadic exteriority: The theology of the Oral Torah that the Aggadic documents, and Aggadic segments of Halakhic ones portray focuses our attention upon one perspective and neglects the other. The outward-facing theology that coheres in the Aggadic documents investigates the logic of creation, the fall, the regeneration made possible by the Torah, the separation of Israel and the Torah from the nations and idolatry, the one for life through repentance and resurrection, the other for death, and the ultimate restoration of creation's perfection attempted with Adam at Eden,

but now through Israel in the Land of Israel. Encompassing the whole of humanity that knows God in the Torah and rejects idolatry, Israel encompasses nearly the whole of mankind, along with nearly the whole of the Israel of the epoch of the Torah and of the Messiah that has preceded.

The Aggadah tells about Israel in the context of humanity, and hence speaks of exteriorities. Its perspectives are taken up at the border between outside and inside, the position of standing at the border inside and looking outward—hence 1) God and the world, 2) the Torah, and 3) Israel and the nations. That other perspective, the one gained by standing at the border, inside and turning, looking still deeper within, responds to the same logic, seeking the coherence and rationality of all things. That perspective focuses upon relationships too. But now they are not those between God and mankind or Israel and the nations, but the ones involving 1) God and Israel, 2) Israel in its own terms, and 3) the Israelite in his own situation, that is, within the household in particular—terms to be amply defined in the Halakhic context.

Israel relates to God in the encounter of enlandisement, where Israel takes its place in the Land of Israel and confronts its relationship with God in the very terms of the creation, when Adam take his place in Eden, with catastrophic results. But now, Israel, entering the Land, shows how, regenerate, the Israelite realizes repentance, confronting the occasion of the original sin but responding in obedience, rather than rebellion as at the outset. Israel in the Land moreover reconstructs Eden by recapitulating creation and its requirements. All of this takes on detail and forms a cogent, and compelling, statement through the Halakhah.

Thus the Aggadah describes exteriority, the Halakhah, interiority. The Aggadah answers the questions posed to justice by Israel's relationships with the world beyond. To complete the theological account, Aggadah having accomplished its task, the logic of a coherent whole requires that the Halakhah describe interior Israel. That logic must answer the questions posed to justice by Israel's relationships within itself. Specifically, the Halakhah must respond to issues posed by the monotheism of justice to

1) Israel's relationships with God when these relationships do not take place in the intersection of God, Israel, and the nations, but within Israel's own frame of reference; and

2) to Israelites' relationships with one another; and

3) to the interior life of the individual Israelite household on its own, with God.

Neither the Aggadah nor the Halakhah makes articulate categorical provision for the radically isolated individual, that is, the Israelite not within the household or not as part of "all Israel." That accounts for the reference to "the Israelite household," where the Hebrew counterpart would prefer to speak of "ben adam le'asmo," that is, "between a man and himself," or relationships within the heart and conscious of the individual. One cannot identify a tractate of the Mishnah that could yield a theory of the life of the private person, in abstraction from the household, hence the resort to "household" rather than "individual Israelite."

When the Aggadah's account of the exteriority of matters and the Halakhah's of the interiority ultimately join, then we may indeed see the coherence of that one whole Torah of Moses, our rabbi, oral and written, Aggadic and Halakhic, the unity of which defines as unique the hermeneutics of the sages. So this account of the theology that imposes upon monotheism the logical requirements of justice in the formation of world order by nature deals with the public issues: God and man, the Torah to remedy the flaw of creation in man, Israel and the nations.

But what about Israel within? The Halakhah embodies the extension of God's design for world order into the inner-facing relationships of

1) God and Israel,
2) Israel's inner order in its own terms, and
3) the Israelite's household viewed on its own in time and space and social circumstance.

If we wish to explore the interiority of Israel in relationship with God, as a shared order, and of Israel's autonomous building block, the household, we are required to take up the norms of everyday conduct that define Israel and signify its sanctification. One can discern in the theoretical structure of the Halakhah no smaller unit of social construction than the household. Subdivisions thereof—children, slaves of various categories, various castes and classes of persons defined genealogically, women, or craftsmen and artisans, are conceived in relationship to the household (or its counterpart, the Temple, in the genealogical castes), but not in relationship to any social construction beyond the household—let alone in relationship to one another. Households relate to comprise, all together, the house of Israel; Israel relates to God. Through the house of Israel house-

holds interact with one another—that is the relationship that imposes obligations and restraints, for example. Through God, Israel relates to the gentiles-idolaters (apart from some marginal exceptions and figures, there is no other category in the Halakhah for the outsider than the idolater, though the Aggadah differentiates among gentiles, identifying the ones that matter to Israel: Babylonia, Media, Greece, Rome, in particular).

Where, exactly, does the Halakhah take up issues of the interior life of Israel? If the Aggadah takes up exteriorities, then what are the counterparts within the interior structure constructed by the Halakhah? A consideration of the divisions and most, though not all, tractates thereof shows the simple correlation.

1) *Between God and Israel:* the interior dimensions of Israel's relationships with God—the division of Agriculture, the division of Holy Things. The division of Agriculture defines what Israel in the Land of Israel owes God as his share of the produce of the Holy Land, encompassing also Israel's conformity to God's regulation on how that produce is to be garnered; the anomalous tractate, Berakhot, concerns exactly the same set of relationships. The division of Holy Things corresponds by specifying the way in which the gifts of the Land—meat, grain, oil, wine—are to be offered to Heaven, inclusive of the priesthood, as well as the manner in which the Temple and its staff are supported and the offerings paid for. Two tractates, moreover, describe the Temple and its rite, and one of them sets forth special problems in connection with the same. The sole anomalous tractate, Hullin, which takes up the correct slaughter of animals for secular purposes, belongs, because its rules pertain, also, to the conduct of the cult.

2) *Within Israel's social order:* the social order that is realized by Israelites' relationships with one another—the division of Damages: That division spells out the civil law that maintains justice and equity in the social order, the institutions of government and the sanctions they legitimately impose.

3) *Inside the Israelite household: interior time and space and circumstance; sustaining life:* the inner life of the household, encompassing the individual Israelite, with God—the division of Women, the division of Appointed Times, and the division of Purities, as well as some singleton-tractates such as Hullin. The division of Women deals with the way in which relationships of man and woman are governed by

the rules of sanctification enforced by Heaven, which takes an interest in how family relationships are formed, maintained, and dissolved, and the affects, upon the family, of invoking Heaven's name in vows. The division of Appointed Times addresses the affect upon the conduct of ordinary life of the advent of holy time, with special reference to the Sabbath and the pilgrim festivals (Passover, Tabernacles), the pilgrimage, and the intermediate days of festivals, the New Year and Day of Atonement, Fast Days, and Purim. While parts of some of these tractates, and nearly the whole of a few of them, concern conduct in the Temple, the main point of the tractates is to explore the impact upon the household and village of the Appointed times. The same interstitial position—between household and village, on the one side, and Temple and cult, on the other—serves the division of Purity. The laws of the tractates concern mainly the household, since the cleanness-rules spelled out in those tractates concern purity at home. But, it goes without saying, the same uncleanness that prevents eating at home food that is to be preserved in conditions of cultic cleanness also prevents the Israelite from entering the restricted space of the Temple. But in the balance, the division concerns cleanness in that private domain that is occupied by the Israelite household.

The native-categories of the Halakhah as spelled out by the Mishnah and affirmed in the Tosefta, beginning to end, in the Yerushalmi, and in the Bavli (for those tractates of the Mishnah treated in the two Talmuds, respectively), on the whole fall quite naturally within the category-formation that is yielded by the Halakhah viewed in the context of the Aggadah. The Aggadah took shape within a tripartite category-formation involving 1) God and the world, 2) the Torah, and 3) Israel and the nations. Here we see the contrast between exteriorities and interiorities. Among the native categories of the Halakhah, One cannot point to a single systematic exposition of relationships between God *and the world*, though we find ample exposition, within the proposed category-formation, of relationships between God *and Israel*, specifically, what Israel owes God. Nor do we find any sustained Halakhic exposition that is pertinent to the Torah, the turning point in God's relationship with man. Part of one tractate alone concerns itself with Israel's relationships with the gentiles, and that is the opening unit of tractate Abodah Zarah.

While an account of the theology of the Oral Torah formed within the logical category-formation of the Aggadah appeals to Halakhic

passages and even to entire tractates, the fact is that the Halakhah takes shape around another set of perspectives than the ones that guide the Aggadah's category-formation. And the governing categories—God and Israel, Israel on its own, the Israelite household seen from within—naturally and with little strain accommodate the native-categories of the Halakhah.

1) *Between Israel and God:* Israel engages with God in the possession of the Land of Israel in particular. That is where God's presence locates itself, in the Temple. It is the gift of the Land to holy Israel that sets the conditions of Israel's relationship with God. Israel in the Land is a sharecropper, for example. In connection with tractate Ma'aserot and the general rules of tithing, for one example, we shall want to know how God and the Israelite farmer relate, when they intersect and what precipitates their encounter in partnership—the general theory embodied by the details of the law. Israel returns to God, through the altar, the principal gifts in which the Land glories, wine, oil, grain, meat. The principal tractates of the two divisions that work out the details of how Israel relates to God, the First, on Agriculture, and the Fifth, on Holy Things, embody in the details of the law a variety of religious principles. Here we learn about how God and man correspond, just as much as, within the theological anthropology set forth by the Aggadah, dimensions of that correspondence are set forth.

2) *Within Israel's social order:* In connection with the Babas (Baba Qamma, Baba Mesia, Baba Batra), which deal with the regulation of the social order, we shall want to identify those governing principles of equity that dictate the character of the details, both laws that deal with the imperfections of the social order, conflict for instance, and the ones that regulate the social order in all its balance and perfection, properly-conducted transactions, for example.

3) *Inside the Israelite household:* And when we examine tractates Shabbat and Erubin, out of the specific rules we shall ask for a general theory of the interplay of space and time in the grid defined by the advent of sanctified time with the coming of the Sabbath for example: where am I now, where am I then, and what dictates my condition? How, in holy time, do I continue the life-sustaining activities of nourishment? The sources of the rules at hand, not in a literary but in a metaphysical sense, will have to be located, the modes of thought that govern to be identified. Such a theory will form a component of an account of the situation, in world order, of the

Israelite household, a focus of holiness comparable in its way to the locus of sanctification in the Temple.

In more general terms, Rabbinic Judaism in the formative age through the Halakhah offered a restorationist program, not a messianic one. The Halakhah as set forth in its formative age aims to describe how in concrete terms holy Israel is to construct a social order in the Land of Israel to realize that just and perfect world order that God had in mind in creating the world. The Halakhah is so framed, its category-formation so constituted, as to yield an account of how man in paradise, Adam in Eden, ought to have lived. Speaking in monumental dimensions, the Halakhah makes a teleological, but not a messianic, statement. And the promise of the Halakhah speaks to not Israel's messianic so much as to its restorationist aspiration: to form Eden not in time past nor in time future but in the here and now of everyday Israel, but this time we shall do it right. And here is how—in concrete detail.

The Messiah, the Halakhah, and the Aggadah: In this context we take up the allegation that Judaism is a Messianic religion. In fact, the Messiah-theme to begin with plays itself out in the Aggadah, not in the Halakhah. But Israel's salvation depends upon Israel's sanctification, in concrete terms, the coming of the Messiah is contingent on Israel's keeping the law of the Torah (e.g., the Messiah will come when all Israel keeps a single Sabbath). In the generative writing of the Halakhah, the Messiah-theme plays no formidable role. When constructing a systematic account of Judaism—that is, the worldview and way of life for Israel presented in the Halakhah—the philosophers of the Halakhah did not make use of the Messiah-myth in the construction of the teleology for their system. Themes and doctrines, myths and rites, important in the continuator-documents of Mishnah- and Scripture-exegesis that reached closure from 400 onward do not register. The Mishnah's framers, for example, found it possible to present a statement of goals for their "Israel of hierarchical classification, from the many to the one, from the one to the many," that was entirely separate from appeals to history and eschatology. Time and change took a subordinated role to enduring paradigms, built upon the sanctification of Israel.

The Halakhah presented a system in which history did not define the main framework by which the issue of teleology took a form other than the familiar eschatological one, and in which historical

events were absorbed, through their trivialization in taxonomic structures, into an ahistorical system. In the Halakhah Messiahs played a part. But these "anointed men" had no historical role. They undertook a task quite different from that assigned to Jesus by the framers of the Gospels. They were merely a species of priest, falling into one classification rather than another. The Halakhic documents, beginning with the Mishnah, find little of consequence to say about *the* Messiah as savior of Israel, one particular person at onetime. On the contrary the Halakhah manages to set forth its system's teleology without appeal to eschatology in any form. For the Halakhah, "Messiah" stands for a category of priest or general. The Messiah-theme proved marginal to the Halakhic program.

Answering questions of purpose and history out of the resources of the Halakhah is not possible. The Halakhah presents no large view of history. It contains no abstract reflection whatever on the nature and meaning of the destruction of the Temple in A.D. 70, an event that surfaces only in connection with some changes in the law explained as resulting from the end of the cult. The Halakhah pays no attention to the matter of the end time. The word "salvation" is rare, "sanctification" commonplace. More strikingly, the framers of the Halakhah are virtually silent on the teleology of the system; they never tell us why we should do what the Halakhah tells us, let alone explain what will happen if we do. Incidents in the Halakhah are preserved either as narrative settings for the statement of the law, or, occasionally, as precedents. Historical events are classified and turned into entries on lists. But incidents in any case come few and far between. True, events do make an impact. But it always is for the Halakhah's own purpose and within its own taxonomic system and rule-seeking mode of thought. To be sure, the framers of the Halakhah may also have had a theory of the Messiah and of the meaning of Israel's history and destiny. But they kept it hidden, and their document manages to provide an immense account of Israel's life without explicitly telling us about such matters. All of these issues are addressed by the Aggadah, particularly the compositions and documents of an Aggadic character set forth in documents from the fifth century C.E. and later.

The Messiah in the Halakhah does not stand at the forefront of the framers' consciousness. The issues encapsulated in the myth and person of the Messiah are scarcely addressed. The framers of the Halakhah do not resort to speculation about the Messiah as a his-

torical-supernatural figure. So far as that kind of speculation provides the vehicle for reflection on salvific issues, or in mythic terms, narratives on the meaning of history and the destiny of Israel, we cannot say that the Halakhah's philosophers take up those encompassing categories of being: Where are we heading? What can we do about it? That does not mean questions found urgent in the aftermath of the destruction of the Temple and the disaster of Bar Kokhba failed to attract the attention of the Halakhah's sages. But they treated history in a different way, offering their own answers to its questions. To these we now turn.

When it comes to history and the end of time, the Halakhah absorbs into its encompassing system all events, small and large. With them the sages accomplish what they accomplish in everything else: a vast labor of taxonomy, an immense construction of the order and rules governing the classification of everything on earth and in heaven. The disruptive character of history—onetime events of ineluctable significance—scarcely impresses the philosophers. They find no difficulty in showing that what appears unique and beyond classification has in fact happened before and so falls within the range of trustworthy rules and known procedures. Once history's components, onetime events, lose their distinctiveness, then history as a didactic intellectual construct, as a source of lessons and rules, also loses all pertinence.

So lessons and rules come from sorting things out and classifying them from the procedures and modes of thought of the philosopher seeking regularity. To this labor of taxonomy, the historian's way of selecting data and arranging them into patterns of meaning to teach lessons proves inconsequential. Onetime events are not important. The world is composed of nature and supernature. The laws that count are those to be discovered in heaven and, in heaven's creation and counterpart, on earth. Keep those laws and things will work out. Break them, and the result is predictable: calamity of whatever sort will supervene in accordance with the rules. But just because it is predictable, a catastrophic happening testifies to what has always been and must always be, in accordance with reliable rules and within categories already discovered and well explained. That is why the lawyer-philosophers of the mid-second century produced the Halakhah—to explain how things are. Within the framework of well-classified rules, there could be Messiahs, but no single Messiah.

CHAPTER FOUR

RITUAL WITHOUT MYTH: THE USE OF LAW FOR THE STUDY OF JUDAISM

While some religions, Christianity and Islam for example, are rich in theological writings, and others in myth, still others make their statements about the nature of being and of the realm of the sacred primarily through law. In the case of early rabbinic Judaism, upon which we shall concentrate, we have a considerable corpus of laws which prescribe the way things are done but make no effort to interpret what is done. These constitute ritual entirely lacking in mythic, let along theological, explanation. Accordingly, the processes and modes of thought of earlier rabbinic Judaism, the Mishnah, in fact was not practiced; indeed, the earlier rabbis scarcely claim that it was. For example, we have two immense sections of Mishnah, one third of the whole, devoted to the conduct of the cult of the Temple on the one side, and rules of purity, on the other, and the rabbis of whom we speak, who lived from A.D. 70 to A.D. 200, flourished after the destruction of the Temple and in no way could have legislated for the conduct of the actual cult. Further, the laws about ritual cleanness or purity, so far as they had to be kept so that a person could enter the Temple, bore no more concrete relevance to everyday life than did the cultic laws, and only a small part of the Jewish population of Palestine was expected to keep those laws outside of the cult. Accordingly, we have before us the paradox presented by most serious effort to create a corpus of laws to describe a ritual life which did not exist. I shall try to show that the processes of making those laws themselves constituted the rabbis' mode of thinking about the same issues investigated, in other circumstances, through rigorous theological thought, on the one side, or profound mythic speculation, on the other.

My primary point is that *so far as the laws describe a ritual, the ritual itself is myth,* in two senses. First, the ritual is myth in the sense that it was not real, was not carried out. Second, while lacking in mythic articulation, the ritual expresses important ideas and points of view on the structure of reality. What people are supposed to do, without a stage of articulation of the meaning of what they do, itself

expresses what they think. The explanation of the ritual, the drawing out of that explanation of some sort of major cognitive statement, is skipped. The world is mapped out through gesture, the boundaries of reality are laid forth through norms on how the boundaries of reality are laid forth.

Accordingly, we deal with laws made by people who never saw or performed the ritual described by those laws. It is through thinking about the laws that they shape and express their ideas, their judgments upon transcendent issues of sacred and profane, clean and unclean, It follows that thinking about the details of the law turns out to constitute reflection on the nature of being and the meaning of the sacred. The form, the ritual lacking in myth, is wholly integrated to the content, the mythic substructure. The structure of the ritual is its meaning.

We turn now to a particular ritual, the burning of the red cow for the preparation of ashes, to be mixed with water, and sprinkled upon a person who has became unclean through contact with a corpse. The ritual is described in two sources, Numbers 19:1-10, and the tractate of Mishnah called Parah, the cow.

Let us first consider the way the priestly author of Numbers 19:1-10 described the rite, the things he considers important to say about it:

> Tell the people of Israel to bring you a red cow without defect, in which there is no blemish, and upon which a yoke has never come. And you shall give her to Eleazar the priest, and she shall be taken outside the camp and slaughtered before him. And Eleazar the priest shall take some of her blood with his finger and sprinkle some of her blood toward the front of the tent of meeting seven times. And the heifer shall be burned in his sight; her skin, her flesh, and her blood, with her dung, shall be burned; and the priest shall take cedar wood and hyssop and scarlet stuff and cast them into the midst of the burning of the heifer. Then the priest shall wash his clothes and bathe his body in water, and afterwards he shall come into the camp and the priest shall be unclean until evening. He who burns the heifer shall wash his clothes in water and bathe his body in water and shall be unclean until evening. And a man who is clean shall gather up the ashes of the heifer and deposit them outside the camp in a clean place; and they shall be kept for the congregation of the people of Israel for the water for impurity, and the removal of sin. And he who gathers the ashes of the heifer shall wash his clothes and be unclean until evening (Num. 19:1-10a).

How is the ash used? Num. 19:17 states:

> For the unclean they shall take some ashes of the burnt sin-offering and running water shall be added in a vessel; then a clean person shall take hyssop and dip it in the water and sprinkle it upon the tent...(in which someone has died, etc.).

Let us now ask, what to the biblical writer are the important traits of the burning of the cow and the mixing of its ashes into water?

The priestly author stresses, first of all, that the rite takes place outside of the camp, which is to say, in an unclean place. He repeatedly tells us that anyone involved in the rite is made unclean by his participation in the rite, thus, 19:7, the priest shall wash his clothes; Num. 19:8, "the one who burns the heifer shall wash his clothes"; Num. 19:10, "and he who gathers the ashes of the heifer shall wash his clothes and be unclean until evening." The priestly legislator therefore takes for granted that the rules of purity which govern rites in the Temple simply do not apply to the rite of burning the cow. Not only are the participants not in a state of cleanness, but they are in a state of uncleanness, being required to wash their clothes, remaining unclean until the evening, only then allowed back into the camp which is the Temple. Accordingly, the world outside the Temple cannot be clean; only to the Temple do the cleanness taboos pertain; and it follows that a rite performed outside of the Temple is by definition not subject to the Temple's rules and is not going to be clean.

What is interesting, when we turn to the Mishnah tractate on the burning of the red cow, Parah, is its distinctive agendum of issues and themes. If I may now summarize rapidly the predominant concerns of Mishnah-Tosefta Parah, they are two: first, the degree of cleanness required of those who participate in the rite and how these people become unclean; second, how the water used for the rite is to be drawn and protected, with special attention directed to not working between the drawing the water and the mixing of the ashes referred to in Num. 19:17. The theoretical concerns of Mishnah-Tosefta Parah thus focus upon two important matters of no interest whatever to the priestly author of Numbers 19:1-10, because the priestly author assumes the rite produced uncleanness, is conducted outside of the realm of cleanness, and therefore does not involve the keeping of the levitical rules of cleanness required for participation in the Temple cult. By contrast, Mishnah-Tosefta Parah is chiefly

interested in that very matter. An important body of opinion in our tractate demands a degree of cleanness higher than that required for the Temple cult itself. Further, the matter of drawing water, protecting it, and mixing it with the ash, is virtually ignored by the priestly author, while it occupies much of our tractate and, even more than in quantity, the quality and theoretical sophistication of the laws on that topic form the apex of our tractate. Accordingly, the biblical writer on the rite of burning the red cow wishes to tell us that the rite takes place outside the camp, understood in Temple times as outside the Temple. The rite is conducted in an unclean place. And it follows that people who are going to participate in the rite, slaughtering the cow, collecting its ashes, and the like, are not clean. The Mishnaic authorities stress exactly the opposite conception, that people who will participate in the rite must be clean, not unclean, as if they were in the Temple. And they add a further important point, that the water which is to be used for mixing with the ashes of the cow must be mixed with the ashes without an intervening act of labor, not connected with the rite.

At the outset I pointed to two facts. First, the authorities of the Mishnah describe a ritual which, in fact, they have never seen, and about which they claim to have few historical traditions. The ritual under description is, as I said, a myth in two senses. The first has just now been stated: it is something which is not part of observed reality. But the second remains to be spelled out. The laws of the ritual themselves contain important expressions about the nature of the sacred and the clean, I shall now attempt to illustrate how the articulation of the laws, through the standard legal disputes of the late first- and second-century authorities, contains within itself statements about the most fundamental issues of reality, statements which, in describing the form of the ritual, also express the content of the ritual, its myth.

The first dispute concerns which hand one uses for sprinkling the blood toward the door of the Holy of Holies; the second asks about how we raise the cow up to the top of the pyre of wood on which it is going to be burned; and the third deals with whether intending to do the wrong thing spoils what one actually does. The texts are simple and pose no problems of interpretation. The first is at Mishnah Parah 3:9:

> They bound it with a rope of bast and place it on the pile of wood, with its head southward and its face westward.

> The priest, standing at the east side, with his face turned toward the west slaughtered it with his right (northern) hand and received the blood with his left (southern) hand.
> R. Judah says, 'With his right hand did he receive the blood and he put it into his left hand, and he sprinkled with (the index finger of) his right hand.'

Before analyzing the pericope, I should add the corresponding Tosefta supplement (Tosefta Parah 3:9):

> They bound it with a rope of bast and put it onto the wood pile. And some say, "It went up with a mechanical contraption."
> R. Eliezer b. Jacob says, "They made a causeway on which it ascended. Its head was to the south and its face to the west."

In the present set, therefore, are the first two of the issues mentioned earlier: which hand we use for sprinkling the blood, and how we raise the cow to the top of the pyre of wood.

Let us notice, first of all, the placing of the cow and the priest. The rite takes place on the Mount of Olives, that is, to the east and north of the Temple Mount in Jerusalem. Accordingly, we set up a north-south-east-west grid. The cow is placed with its head to the south, pointing in the direction of the Temple Mount, slightly to the south of the Mount of Olives, and its face is west—that is, toward the Temple. The priest then is set east of the cow, so that he too will face the Temple. He faces west—toward the Temple. When he raises his hand to slaughter the cow, he reaches over from north and east to south and west, again, toward the Temple. We have, therefore, a clear effort to relate the location and slaughter of the red cow, which takes place outside the Temple, toward the Temple itself. In fact each gesture is meant to be movement toward the Temple. Just as Scripture links the cow, outside the camp, to the camp, by having the blood sprinkled in the direction of the camp (a detail which Mishnah takes for granted), so that the sprinkling of the blood, which is the crucial and decisive action which effects the purpose of the rite—accomplishes atonement, or *kapparah,* in Mishnaic language—so all other details of the rite here are focused upon the Temple.

This brings us to Judah's opinion, which disagrees about slaughter with the left hand. As observed, we have to set up a kind of mirror to the Temple, with the whole setting organized to face and correspond to the Holy Place. The priest in the Temple slaughtered with his right hand, and received the blood in his left. Likewise, the

anonymous rule holds, the priest now does the same. In other words, our rite in all respects replicates what is done in the Temple setting: What is done there is done here. Judah, by contrast, wants the blood received with the right hand and slaughtered with the left. Why? Because we are not in the Temple itself. We are facing it. Thus if we want to replicate the cultic gestures, we have to do each thing in exactly the opposite direction. Just as, in a mirror, one's left is at the right, and the right is at the left, so here, we set up a mirror. Accordingly, he says, if in the Temple the priest receives the blood in his left hand, on the Mount of Olives and facing the Temple, he receives the blood in his right hand. All parties to the dispute, therefore, agree on this fundamental proposition, that the effort is to replicate the Temple's cult in every possible regard.

This brings us to the dispute about how we get the beast up to the top of the wood pile. The anonymous rule, shared by Mishnah and Tosefta, is that we bind the sacrificial cow and somehow drag it up to the top. But in the Temple the sacrifices were not bound; they would be spoiled if they were bound. Accordingly, Eliezer b. Jacob, a contemporary of Judah, imposes the same rule. He says that there was a causeway constructed from the ground to the top of the woodpile on which the cow will be slaughtered and burned, and the cow walks up on its own. Self-evidently, both parties cannot be right, and the issue is not what really was done in "historical" times—let us say, seventy-five years earlier. As in the dispute between Judah and the anonymous narrator, the issue is precisely how we shall do the rite, on the Mount of Olives, so as to conform to the requirements of the rite on the Temple Mount itself. To state matters in general terms, it is taken for granted by all parties to the present pericope that the rite of the cow is done in the profane world, outside the cult, *as if* it were done in the sacred world constituted by the Temple itself.

How is the contrary viewpoint expressed? The simplest statement is in Mishnah Parah 2:3B-D:

> B. The harlot's hire and the price of a dog—it is unfit.

That is to say, if the red cow is purchased with funds deriving from money spent to purchase the services of a prostitute or to buy a dog, the cow is unfit for the rite. The pericope continues:

> C. R. Eliezer declares fit,
> D. since it is said, 'You will not bring the harlot's hire and the price of a dog to the house of the Lord your God' (Deut. 23:18).

> But this (cow) does not come to the house (of the Lord, namely, the Temple).

The issue could not be drawn more clearly than does the glossator (D). Eliezer holds that since the burning of the cow takes place outside of the Temple, the Temple's rules as to the acquisition of the cow simply do not apply.

A more subtle question appears at Mishnah Parah 4:1 and 4:3. The manuscript evidence here is in conflict. Some manuscripts give us the operative ruling in the name of Eliezer, others read Eleazar, a different authority; and in point of fact, there are several Eliezer's and Eleazar's. Tosefta supplies a parallel which gives us Eleazar b. R. Simeon, and I am inclined to think that the Mishnah's Eliezer's and Eleazar's are Eleazar b. R. Simeon. But it hardly matters, since the viewpoint is identical to that assigned to Eliezer (certainly b. Hyrcanus, ca. 70-90) in the foregoing passage. The first item, Mishnah Parah 4:1, is as follows:

> The cow of purification which one slaughtered not for its own name (meaning, not as a cow of purification, but for some other offering), or the blood of which one received and sprinkled not for its own name, etc., is unfit.
> R. Eliezer (Eleazar) declares fit.

What is at issue? In the sanctuary, we have correctly to designate the *purpose* of a sacrifice. Eleazar holds that this is not a rite subject to the rule of the Temple cult. The rule continues,

> And if this was done by a priest whose hands and feet were not washed, it is unfit.
> R. Eliezer declared fit.

Priests of the Temple of course had to be properly washed. Since the rite is not in the Temple, Eliezer says that the priest need not even be washed. In this connection, Tosefta supplies:

> If one whose hands and feet were not washed burned it, it is unsuitable.
> And R. Eleazar b. R. Simeon declares fit, as it is said 'When they come to the Tent of Meeting, they will wash in water and not die' (Ex. 30:20)—So the washing of the hands applies only inside (the Temple, and not on the Mount of Olives).

The issue seems to me fully articulated, and the glosses in both the matter of the harlot's hire and the matter of washing spell out the

implications. The law which describes the ritual—the *structure* of the ritual itself—also expresses the meaning of the ritual. The form imposed upon the ritual fully and completely states the content of the ritual. If now we ask, What is this content? we may readily answer. The ritual outside of the cult is done in a state of cleanness, as is the ritual done inside the cult. The laws of the cult, furthermore, apply not only to the conduct of the slaughtering of the cow (the cases I have given here), but also to the preservation of purity by those who will participate in the slaughtering (cases not reviewed here).

Mishnah presupposes what Scripture takes for granted is not possible, namely, that the rules of purity apply outside of the Temple, just as the rules of Temple slaughter apply outside of the Temple. And the reason is, of course, that the Mishnah derives, in part from the Pharisees, whose fundamental conviction is that the cleanness taboos of the Temple and its priesthood apply to the life of all Israel, outside of the Temple and not of priestly caste. When Israelites eat their meals in their homes, they must obey the cleanness taboos as if they were priests at the table of God in the Temple. This larger conception is expressed in the acute laws before us.

Let us now proceed to a matter which is by no means self-evident, and which was not understood in the way in which I shall explain it even by the second-century authorities. It concerns the issue of drawing the water. The rule is that if I draw water for mixing with the ashes of the red cow, and, before actually accomplishing the mixture, I do an act of labor not related to the rite of the mixing of the ashes, I spoil the water. This is stated very succinctly, "An act of extraneous labor spoils the water." This conception is likely to have originated before the destruction of the Second Temple in 70, because a very minor gloss on the basic rule is attributed to the authorities of the period immediately after 70, of Yabneh:

> He who brings the borrowed rope in his hand (after drawing the water with bucket suspended on a rope, the man plans to return the rope to the owner)—if (he returns it to the owner) on his way (to the rite of adding ashes to the water), it is suitable (that is, the bucket of water has not been spoiled by the act of extraneous labor), and if it is not on his way, it is unfit.

Appended is the following observation:

> (On this matter) someone went to Yabneh three festival seasons (to

> ask the law), and at the third festival season, they declared it fit for him, as a special dispensation.

Taken for granted, therefore, is the principle, evidently deriving from Pharisaism before 70, that an act of extraneous labor done between the drawing of the water and the mixing of ashes and water spoils the drawn water.

The rule lies far beyond the imagination of the priestly writer of Numbers, because he tells us virtually nothing about the water into which the ashes are to be mixed. But that is of no consequence. What is interesting, second, is the language which is used, *unfit,* not *unclean*. So the matter of the cleanness of the water—its protection against sources of contamination—is not at issue. Some other consideration has to be involved. Third, the drawing of the water is treated as intrinsic to the rite. That is: I burn the cow. I go after water for mixing with the ashes of the cow. That journey—outside of the place in which the cow is burned—is assumed to be part of the larger rite.

Now this matter of extraneous labor is exceedingly puzzling. We have to ask, to begin with, for some sort of relevant analogy. Do we know about other rites in which we distinguish between acts of labor which are intrinsic and those which are not? And on what occasion is such a distinction made? The answer to these questions is obvious. We do distinguish between acts of labor required for the conduct of the sacrificial cult, and those which are not required for the conduct of the sacrificial cult, in particular we make that distinction *on the Sabbath.* On the Sabbath day labor is prohibited. But the cult is continued. How? Labor intrinsic to the sacrifices required on the Sabbath is to be done, and that which is not connected with the sacrifice is not to be done.

When we introduce the issue of extraneous labor (and the issue extends to the burning of the cow itself, but I think this is secondary), what do we say about the character of the sanctity of the rite? Clearly, we take this position: The rite is conducted by analogy to the sacrifices which take place in the Temple, so that the place of the rite and all its participants must be clean, exactly as the place of the Temple and all the participants in the Temple sacrifices must be clean. So too with the matter of labor. When we impose the Temple's taboos, we state that the rite is to be conducted in clean space. When we introduce the issue of labor, we forthwith raise the question of holy time, the Sabbath. For it is solely to the Sabbath

that the matter of labor or no labor, labor which is intrinsic or labor which is extrinsic, applies. When we impose the taboos applicable to the Temple on the Sabbath, we state that the rite is to be conducted in holy *time*.

The cleanness laws in the present instance create in the world outside of the cult a *place of cleanness* analogous to the cult. The Sabbath laws in the present instance create in the world outside of the cult a *time of holiness* analogous to the locus of the cult. The ritual constructs a structure of clean cultic space and holy Sabbath time in the world to which, by the priestly definition, neither cleanness nor holiness (in the limited sense of the present discussion) applies.

The laws, it is clear, do not contain explanations. The issues themselves are trivial, ritualistic, yet even the glossators at the outset introduced into the consideration of legal descriptions of ritual extra-legal conceptions of fundamental importance. Accordingly, the processes of thought which produce the rabbis' legal dicta about ritual matters also embody the rabbis' judgments about profound issues. The final stage in my argument is to consider other sorts of sayings, in which the rabbis speak more openly and directly about matters we should regard as theological, not ritual, in character. These sayings are general, not specific, treat questions of salvation, not of the conduct of a ritual, and constitute a quite distinct mode of expression about these same questions, These theological sayings contrast, therefore, to the ones about ritual law, showing a separate way in which the authorities of the same period form and express their ideas. The issue at hand, in particular, is the relationship between cleanness and holiness. We have already considered the matter in our interpretation of the ritual laws, showing that cleanness is distinct from holiness, and the two are related to and expressed by the laws about burning the red cow. Pinhas b. Yair gives us a statement (translated following ms. Kaufman) which links the issue of cleanness and holiness to salvation:

> R. Pinhas b. Yair says, "Attentiveness leads to (hygienic) cleanliness, cleanliness to (ritual) cleanness, cleanness to holiness, holiness to humility, humility to fear of sin, fear of sin to piety, and piety to the holy spirit, the holy spirit to the resurrection of the dead, and the resurrection of the dead to Elijah of blessed memory."

Pinhas therefore sees cleanness as a step in the ladder leading to holiness, thence to salvation: the resurrection of the dead and the

coming of the Messiah. Maimonides, much later, introduces into the messianic history the burning of the cow of purification. Referring to the saying that nine cows in all were burned from the time of Moses to the destruction of the Second Temple, he states (*Red Heifer* 3:4):

> Now nine red heifers were prepared from the time this commandment was received until the Temple was destroyed the second time...and a tenth will King Messiah prepare—may he soon be revealed.

Maimonides thus wishes to link the matter of the burning the red cow which produces water for ritual purification to the issue of the coming of the Messiah. Both sayings, those of Pinhas b. Yair and Maimonides, show that it is entirely possible to speak directly and immediately, not through the language of ritual law, about fundamental questions. And when we do find such statements, we no longer are faced with ritual laws at all. Yet it seems to be clear that Pinhas b. Yair and Maimonides saw in the issues of purity, even in the very specific questions addressed by the rabbinic lawyers who provide the ritual law, matters of transcendent, even salvific, weight and meaning.

Let us now return to the issues raised at the outset and summarize the entire argument. It is now clear that the Mishnaic rabbis express their primary cognitive statements, their judgments upon large matters, through ritual law, not through myth or theology. Indeed, we observe a curious disjuncture between ritual laws and theological sayings concerned with the *heilsgeschichtliche* meanings of the laws. The ritual laws themselves describe a ritual.

Since the ritual was not carried out by the authorities of the law, the purpose and meaning of legislation in respect to the ritual of burning the cow are self-evidently not to describe something which has been done, but to create—if only in theory—something which, if done, will establish limits and boundaries to sacred reality. The issue of the ritual is *cleanness* outside of the Temple, and, if I am right about the taboo connected with drawing the water, *holiness* outside of the Temple as well. The lines of structure, converging upon, and emanating from, the Temple, have now to be discerned in the world of the secular, the unclean, and the profane. Where better to discern, to lay out these lines of structure, than in connection with the ritual of sacrifice not done in the Temple but outside of it, in that very world of the secular, unclean, and profane. As I have stressed,

the priestly author of Numbers cannot imagine that cleanness is a prerequisite of the ritual. He says the exact opposite. The ritual produces contamination for those who participate. The second-century rabbis who debated the details of the rite held that the rite is performed just as it would have been done in the Temple. Or, in the mind of Eliezer and Eleazar b. R. Simeon, the rite is performed in a way different from the way it would have been done in the Temple. The laws which describe the ritual therefore contain important judgments upon its meaning. With remarkably little exegesis of those laws—virtually none not coming to us from the glossators themselves—we are able to see that their statements about law deal with metaphysical reality, revealing their effort to discern and to define the limits of both space and time.

The structure of the ritual contains its meaning. Form and content are wholly integrated. Indeed, we are unable to dissociate form from content. It follows that what is done in the ritual, the sprinkling with one hand or other, the binding of the cow or the use of a causeway to bring it to the pyre, the purchase of cows with the wrong sort of money, the employment of unwashed priests, the exclusion of the issue of the wrong intention—all of these matters of rite and form *alone* contain whatever the rabbis will tell us about the meaning of the rite and its forms. The reason, as I have stressed, is that the rabbis think about transcendent issues primarily through rite and form. When, as I showed at the end, they choose another means of discourse and a different mode of thought entirely, matters of rite and form fall away. Theological and mythic considerations to which ritual is irrelevant take their place. Judah, Eliezer, Eleazar b. R. Simeon, Eliezer b. Jacob, and the others cited, however, refer to no myth, make use of neither mythic nor theological language, because they think about reality and speak about it through the norms of the law. Since, as I have stressed, the law concerns a ritual which these authorities have never seen and certainly would never perform, *the law itself constitutes its own myth,* the fabulous myth of a ritual no one has ever done, and the transcendent myth of the realm of the clean and the sacred constructed through ritual and taboo in the world of the unclean and the secular. That is why I claim that the ritual *is* the myth. What people are told to do is what they are supposed to think, the gestures and taboos of the rite themselves express the meaning of the rite, without the mediation of myth.[1]

[1] Annual Religious Studies Lecture University of Minnesota, 1975

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PART TWO

HISTORICAL PERSPECTIVES

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CHAPTER FIVE

HISTORY, TIME, AND PARADIGM IN SCRIPTURE AND IN JUDAISM

> "And the Lord spoke to Moses in the wilderness of Sinai in the first month of the second year after they had come out of the land of Egypt, saying, ['Let the people of Israel keep the Passover at its appointed time. On the fourteenth day of this month, in the evening, you shall keep it at its appointed time; according to all its statutes and all its ordinances you shall keep it.']" (Num. 9:1-14):
> Scripture teaches you that considerations of temporal order do not apply to the sequence of scriptural stories.
> For at the beginning of the present book Scripture states, "The Lord spoke to Moses in the wilderness of Sinai in the tent of meeting on the first day of the second month in the second year after they had come out of the land of Egypt" (Num. 1:1).
> And here Scripture refers to "the first month,"
> so serving to teach you that considerations of temporal order do not apply to the sequence of scriptural stories.
>
> Sifré to Numbers LXIV:I.1

1. Historical Writing and the Conception of Time

Nature marks time in its way.[1] Humanity marks time in its manner. Each accommodates the limits of existence—rocks, human beings, respectively, to take an obvious example. So geological time takes as its outer limit the five billion years of earth's existence (the planet's "history"), while human time is marked out in units of, say, the seventy years of a human life, or the two or three or four centuries of an empire's hegemony. Now religion—Judaism and Christianity in particular—means to bridge the gap between creation's and humanity's time, speaking of time in aggregates that vastly transcend the limits of historical, that is, human, time, and extend outward to nature's time, that is, God's evanescent moment. Scripture

[1] This essay recapitulates the principal findings of my *The Presence of the Past, the Pastness of the Present. History, Time, and Paradigm in Rabbinic Judaism*. Bethesda, 1996: CDL Press.

makes explicit the contrast between humanity's time and God's, "A day in your sight...," and the task of religion, mediating between God's creation's time and humanity's, defines the way in which Scripture is taken over by the paradigms that govern the Judaic and Christian reading thereof. But in so stating, I have moved far beyond my story. Let me start back at the beginning, with the critical task taken for itself by history: the making of distinctions among days, months, years, by reason of what happens in them.

To call other-than-historical thinking merely "ahistorical" tells us only about what is not present, but not about what is, in the mind of those who read Scripture through the paradigmatic prism. To find out what is at issue, we have to penetrate into deeper layers of thought and consciousness, premise and presupposition. What is it that, at its foundations, history accomplishes for intellect? History serves as a means of telling time: measuring and evaluating and differentiating within spans of time and their sequence in passage. But there are other ways of doing so. So to identify what is at issue between historical and paradigmatic thinking about events—in other language, linear vs. fractal thinking—we have, therefore, to identify the premises concerning time and its measurement that define the basis for historical thinking and history-writing, on the one side, and paradigmatic thinking and reading of Scripture, on the other.

What, exactly, do we mean by "time"? The word, "time," standing on its own of course baffles us by its abstraction. Defining the term without appealing for assistance to the term itself in our definition presents formidable difficulties. But in this setting, these need not form obstacles to our goal. Once we recognize that the word can be defined best in context and for a concrete purpose, we may accomplish that provisional task that makes possible the accomplishment of our goal. That is, time as an abstraction defies my powers of definition, but time understood in the context of history, or for the purposes of cosmology, or in the setting of geology is readily defined. Utterly different units of time point to variables in context, from nano-seconds to aeons or ages measured in hundreds of millions of solar years.

That is to say, in some disciplines of learning, cosmology, for example, time is measured in aggregates so vast as to defy our capacities of understanding and imagining. The units of time found indicative in history, days, months, years, and those treated as consequential in geology, multiples of millions of years, or in astrono-

my, light-years and beyond, show what is at stake. Historical time, by contrast to time required for the natural sciences and cosmological ones appears trivial and inconsequential. That is for an obvious reason. "The ages" for humans, who live perhaps for seventy, perhaps for eighty years, and "the ages" for life on earth scarcely correlate. Not only so, but in other disciplines of learning, time, while measurable, is divided into units with no bearing upon the life of humanity—geology is a good instance. That is what makes the definition of "time" in abstraction parlous.

Then let us define time in the setting of humanity and of history. For history takes for its arena of analysis that ephemeral moment out of cosmological or geological time in which humanity's actions take place. But time even in the context of the life of humanity must be defined in both historical and also other than historical terms altogether. History takes as its premise definitions of time and its divisions, that derive from nature. History then further divides these divisions or characterizes them, imposing upon them history's own indicators. So historical time forms a construct in which nature's time (defined in a moment) and history's time coincide.

LeGoff expresses this same conception in a slightly different way when he states:

> The basic material of history is time. For a long while, therefore, chronology has played an essential role as the armature and auxiliary of history. The main tool of chronology is the calendar, which goes back far beyond the historian's field, since it is the fundamental temporal framework within which societies function. The calendar shows the effort made by human societies to domesticate "natural" time, the natural movement of the moon or the sun, the cycle of the seasons, the alternation of day and night. But its most effective articulations, the hour and the week, are linked to culture and not to nature....The past/present opposition is essential to an acquisition of the consciousness of time.[2]

LeGoff underlines the interplay of nature's time and history's time, and that union is precisely what is at stake here, as I shall now explain.[3]

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[2] Jacques LeGoff, *History and Memory*, p. xix, xx.

[3] But LeGoff has no grasp whatsoever of systems of dealing with the past that are not historical and also not cyclical or mythical, He sees an effort "made by human societies to transform the cyclical time of nature and myths, of the eternal return, into a linear time, punctuated by groups of years...centuries, eras, etc. Two

Let me spell out what I mean, beginning with time defined in the context of nature as humanity knows natural time. Nature marks day and night through light and darkness. Then, according to the most common human understanding of things, a set, a unit of light and a unit of darkness, forms one day.[4] That is a convention that commonly serves to define the smallest whole unit of time, the complete cycle of a "day." The solar day is not the sole natural unit of time. Nature moreover marks sets of such units of day and night by the phases in shape and size of the moon. The lunar unit of subunits of light and darkness then measures what we call a month. Here again, we find a complete sequence that is orderly and fixed, from new to full to waning size and shape. These too mark time, which then may be defined as a solar day or a lunar month. That is to say, "time" is the spell marked from one sunset to the next; or "time" is the spell marked from one new moon to the next. That definition hardly is ideal, leaving vague the sense of "spell." But for our purposes (which become transparent in a moment) it suffices.

Matters do not conclude (again, for the purpose of this exposition) with the solar day and the lunar month. Nature furthermore marks sets of such aggregates of light and darkness as the passage of the moon denotes. This is supplied through observations of the positions of the sun in the southern sky (from the perspective of the northern hemisphere), with the sun at noon high in summer, low in winter; with the shadows long in winter, short in summer; and so on. The solar year then marks off in a natural way still larger aggregates of time. These, then, form the simplest natural boundaries

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important advances are intimately connected with history: the definition of the chronological starting point (the foundation of Rome, the birth of Christ, the Hegira...), and the search for a periodization, the creation of equal, measurable units of time" (p. xx. But we deal with a set of thinkers who inherited out of Scripture linear, historical time and utterly reshaped and recast that conception, and nothing in LeGoff's treatment of matters recognizes those other than historical means of dealing with precisely the same facts as historical thinking that characterized Judaism, and Christianity, for so long a period in the West.

[4] That is not to suggest the ubiquity of the conception of "a day" as a complete cycle of light and darkness. Indeed, even the Talmuds know the *'onah*, which is the smallest whole unit of time and is not equivalent to a solar day, light and darkness, ending with the next light. But it is sufficiently conventional to regard the smallest whole natural unit of time as a solar cycle of light and darkness that we may confidently define matters in that setting. I ignore the conception of "hours," which nature on its own does not yield but form a social convention, all the more so minutes, seconds, and so on. These play no role in my exposition.

of time: the interplay of light and dark, the fixed sequence of lunar phases or appearances, and the equally fixed sequence of solar ones, further differentiated (in temperate climates) by the passage of the seasons (important, but not essential, in this argument). Now nature gives us three spans, units of time, and all three are correlated: the solar day, the lunar month, the solar year. If we wish to ignore the solar year, of course, we may claim that a fixed sequence of months denotes a lunar year, but that detail need not detain us, being irrelevant to the argument that is here unfolding.

More to the point about the natural definition of time is a different fact. Nature's time is repeated—cyclical, we should say—since in each solar year, the same events of nature repeat themselves. And the cyclicality of nature's time bears a further consequence. It is reversible, in that what happens this year happened last year, as much as it will happen next year. Indicators of time in nature repeat themselves, by definition moving in any direction, forward or backward, equally naturally. Nature's "events"—that is, points of differentiation of otherwise undifferentiated passages—are not unique but gain their signification through their points of commonality; one month is the same as the one before and the one to follow, so too the day (unit of light, unit of darkness), so too the year. So much for time as nature defines matters on its own: the interval between sunset and sunset, new moon and new moon, sun at apogee and sun at apogee. The earliest monuments of humanity attest to the widespread definition of these intervals by appeal to solar time (at Stonehenge, for instance), and lunar time is equally broadly attested as well. So for the purpose and in the context of nature as humanity perceives matters, time finds its definition through the taxonomy of natural phenomena: day, month, year.

Now that simple digression into obvious matters is necessary to permit us to proceed to the question that is urgent here: the conception of time in history, which guides us in differentiating historical from paradigmatic thinking. Precisely what do we mean by "time" in the setting of history, and how does historical time relate to natural time?

We commence with the simple question, How, in history, is time to be defined and measured? History recognizes natural time and imposes its taxic indicators, its points of differentiation, upon it. History knows days, months, years, but proposes to differentiate among them, treating this day as different from that because on this

day, such and such happened, but on that day, it did not.[5] So historical time is a way of cutting down to human size the eternities of nature's time. History takes over nature's measures of matters and, making them its own, further marks them in its own way. The heritage of nature's time is clear. Now, history—historical thinking, in its conception of time—takes over nature's time and imposes upon it a second set of indicators or points of differentiation. History takes for granted the facticity of days, months, years, as indicating fixed points in time. But these spans of time are further differentiated by history, made into something that, in nature, they are not.

Specifically, the power of history to measure time lies in its capacity to differentiate what in nature is uniform. Nature's time is uniform, history marks unit off from unit; nature's time is repeated and may be reversed; history's events, the indicators of difference, have the power to mark off undifferentiated units of time by the very definitive fact of their uniqueness; and nature's time is reversible, but, for the same reason history's indicators are unique, history's time also is irreversible, moving in only one direction. Nature knows no past that makes a difference from the present, no present that moves inexorably into the future.

History's time begins with the recognition that what is past is past, but leads to the present; what is present is here and now, separate from the past, also prelude to, but not part of, the future. History's time is linear, marking past, present, future; history's time can conceive of eternity, when time is past altogether. History does its work by recasting nature's time into humanity's dimensions, marking time in such a way that the human understanding can encompass and make sense of matters. History's time forms humanity's perspective on the dimensions of nature, cutting down to human size the enormous dimensions of nature's markings.

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[5] The same may description serves for astrology, with its interest in correlating the stars with human events; in that sense, astrology and history compete as modes of explanation of time and change. Appealing to the same kind of logic, linearity and the uniqueness of events, for instance, they propose different bases of explanation spun out of one logic. They differ in history's insistence on the pastness of the past, a matter to which astrology finds itself indifferent. Admittedly, astrology invokes paradigms, but these derive from its alleged observations of natural and historical correlations, while religion's paradigms (those of Christianity and Judaism) derive from God's revelation of them, not humanity's discovery. But astrology as an alternative to history and religion in the definition of time demands no consideration here; we have no astrological scholarship on Scripture, but a great deal of the historical kind.

How does history's time impose itself upon nature's time? As I have already indicated, history both depends upon, identifies the natural units of time—day, month, year—but further differentiates among them—beyond nature's own points of differentiation—by reference to this-worldly events in the here and now. In such and such a year (however enumerated), in such and such a month (as indicated by its position in the sequence of months within a solar year), on such and such a day (as indicated, e.g., by the position of the moon within the lunar month), something noteworthy happened. That happening then marks the day, the month, the year, differentiating it from all other days and months and years. History's way of marking time, then, is to differentiate among the units of time indicated by nature, and its medium of differentiation is the event that takes place and imparts its distinctive character on one day, month, year, rather than on some other.

History therefore defines and measures time through two intersecting indicators, the meeting of 1) the natural and 2) the human. As is clear in the foregoing remarks, the context in which "time" is now defined is 1) the passage of days, weeks, months, and years, as marked by the movement of the sun and the stars in the heavens and 2) the recognition of noteworthy events that have taken place in specific occasions during the passage of those days and months and years. "Time" then refers to the passage of days, months, years, as marked off by natural phenomena and as differentiated, also, by human activity. For purposes of history, "time" is defined as the making of distinctions between and among days or weeks or months or years, and "history" refers to the utilization, for indicators of the difference between one day and the next or one year and the next, of noteworthy events.[6]

Let me spell out this mode of marking time, since the identification of its premises will lead us deep into the definition of the alternative mode. We know that in the course of nature, one season differs from the other by reason of the position of the sun and fixed stars in the firmament, with corresponding changes in the character of the weather on earth, the sun high over the horizon, the heat, or low, the cold, for instance. One form of differentiation of day from

[6] James Barr's discussion in *Biblical Words for Time,* pp. 170-284, provides as ample a survey of opinion on the conception of time as this work requires. The study of words for "time" and the like proves to have no bearing upon the discussion that follows, for reasons that will quickly become obvious.

day, hence one way of measuring time, then, will derive from events of nature, dry days, wet days, and the like.

But there is another form of differentiation, and that concerns the correlation of the passage of the indicators of the natural world—in Israel's context, the moons in their phases, the sun in the seasons—and chosen indicators of the social world. These, in the Israelite history, are simple enough to identify. King X ruled for so-and-so-many years, and he did such and such, with the specified consequences. In this setting, then, natural time (divisions of, distinctions among days, weeks, months, years) and social time (divisions of, distinctions among days or years) are made to intersect. The advent of a king marks the counting of solar or lunar years; what happens in that sequence of days, weeks, months, years, then is treated as a coherent whole—a reign—and a set of such reigns then may be laid out in sequence.

The sequence of reigns or other social significations of the differentiation of days, weeks, months, years already differentiated by natural indicators (position of the moon, shape of the sun, and the like) then forms the centerpiece of interest. For natural indicators left by themselves yield no sequential narrative, with a beginning, middle, and end, for the simple reason that nature on its own—once more, the sun or the moon in passage through the skies—differentiates days, weeks, months, or years, in only a single way. When we know the position of the sun or the shape of the moon, we know where we stand in the natural sequence of time, but in the nature of things, we also know that last year at this time, or next year at this time, we shall be precisely where we are now. So natural time yields no conception of beginnings, middles, and endings.

It is only when the correlation between natural time and the condition of a this-worldly entity, a social group for instance, assumes self-evidence that beginnings, middles, and endings come under consideration. Then, and only then, questions of origins emerge: who are "we'? when did 'we' come into being? where are "we" heading? By appeal to the analogy of the "I," the individual's birth, life, and death, the social entity made up of individuals is given that same life-course, if not the same life-span. And that is the point at which the social world intervenes in the notation of the passing of the natural indicators of things; time is no longer differentiated, day from day, week from week, month from month, year from year, by appeal to the course of the sun and the moon and the fixed stars. Time now

is differentiated by two indicators, not one, the natural in correlation with, in response to, the social. In that lunar cycle, or in that solar cycle (in Israel: month, year, respectively), such and such happened. Then the cycle is indicated not only by reason of the natural difference, with its recurrence, but also of the social difference, with its trait of individuality and even uniqueness.

Concretely, we note the confluence of occasion in the social world—the noteworthy event—and of season (day, week, month, year) in the natural world. And that permits us to define the premises of historical definitions of time:

1) human events (however defined), viewed as unique happenings, by contrast to the recurrent happenings of natural time, form givens, as much as natural events form givens, in the measurement of time; but these markers differ, being of a quite opposite character from the natural divisions of aggregates of time, the human events being unique, natural events common, human events particular, natural ones, general;

2) and nature's time is cut down to size by history's time. This is done by recasting nature's time, which finds points of differentiation in cyclical events (lunar months, solar seasons), and is therefore marked off by recurrent points of differentiation. Since human events have the power to differentiate one unit of natural time from some other (whether day, month, or year), these events must be viewed as unique, irreversible, irrecoverable, and linear; for if they were not unique, irreversible, irrecoverable, and linear, they would not have the power to differentiate from one another the common, repeated, and cyclical units of measurement that operate in natural time

3) consequently, history's premise is that nature's time subordinates itself to history's time; time is itself linear, marked off by unique events, irreversible in direction from past to future, clearly differentiated (for the same reason) into past, present, and future.

Above all, history's time differentiates past from present, present from future, future from past. The reversibility of nature's time once lost, history's time, its linearity above all, takes over. Chaos does not govern when things move in a line, that is to say, in order—in an order we can discern through close study of what has gone before. Kept in line, the sequence of events yields that order through its linearity. Events then can be strung together on a line, like pearls on a necklace. Linear history is not the only way of formulating that view of time and its meaning; cyclical history, to which we now turn,

bears the same potential of ordering and explaining affairs. Neither linear nor cyclical time takes account of the irregularity of events; both accomplish the goal of demonstrating their regularity. Then neither can accommodate itself to chaos or admit to the unpredictability of things. The logic of history—linearity, division of past from present together with linkage of past to present—and the regularity of cyclical time contradict the disorder of the world and also fail to recognize what is orderly in the world, which, for mathematics, is expressed through fractals, and, for religion, as we shall see, through paradigms.

Now briefly to recapitulate, nature divides time by appeal to not unique events but common ones. Nature marks the aggregates of time by reference to indicators that are reversible, recurrent, and not restricted by considerations of past, present, and future. Is there a way of dividing time in accord with dimensions humanity can accommodate, yet also congruent to nature's divisions. That is, are there media for the division of time that humanity may adopt and that are reversible, recurrent, and unrestricted by lines of division between past and present, present and future? The answer is, there are two such ways, one familiar, the other represented here by the Rabbinic literature and at the same time unfamiliar and absolutely routine in the history of Scripture's reception in Western civilization, Judaic and Christian alike.

2. From Historical Time to Time Cyclical and Time Paradigmatic

Time is understood in Scripture in a historical way: separated into past, present, future; irreversible; marked off by singular events; yet a powerful continuum into the present. If mythic time aims at the recovery of a primordial perfection, historical time in Scripture organizes reality in a different way. This is described by Brevard S. Childs in the following language:

> The Biblical understanding of reality in contrast to the mythical can be described as "three-stage." There was a state of non-being pictured as chaos in the Old Testament. This was overcome by God's gracious acts of `creation which brought world reality into being. A third factor was introduced by man's disobedience. A history of sin began which was not a continuation of god's creation but a perversion of reality. The Old Testament recounts the struggle between reality and the

> perversion of reality...The myth looks to the past, the Old Testament to the future. The reality which the myth wishes to maintain is understood by the Old Testament as part of the "old age" and therefore transitory.[7]

Childs's stress on the difference between the Hebrew Scriptures' history and the conception of myth closes off for us a range of issues that do not impinge on our inquiry. For, in the present setting, the real question is how to distinguish history's time from that of paradigm or model or pattern, as I shall now explain.

History is not the only way of thinking about natural time. History solves the existential problem posed by the enormous disproportion between humanity's experience of time, which is by definition brief (a life-span or five successive life-spans) and ephemeral (here now, gone tomorrow), and natural time, from the perspective of mortal man and transitory, even ephemeral society, endless in its farthest limits. But that same problem may be worked out in another way of thinking about time altogether. Time is to be differentiated not only by events, unique, linear, irreversible, deemed to differentiate units of time by imposing their definitive character upon said units. Another way of measuring time within the human ambiance, besides nature's way, may be formulated, in which humanly-sensible aggregates of time may be formulated in their own terms but not made to intersect with natural time at all.

Defining this other way is made easy by finding the answer to a simple question. Can we differentiate nature's time for humanity's purposes not by appeal to indicators that contrast with nature's indicators for dividing time but that cohere in character with them? Can we find indicators of the division of time that are human but also comparable to the natural ones? If we can find a way of thinking about time that both remains well within the dimensions of humanity's sensibility and intellect (ephemeral, brief, yet encompassing) and also retains the character of consubstantiality with nature's time, then we can answer the question in an affirmative way.

Time cyclical: One such way, entirely familiar in our context, is the cyclical one. That is the view of time that notes recurrent patterns, or cycles, repeated sequences of specific events that conform to a

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[7] Brevard S. Childs, *Myth and Reality in the Old Testament* (London, 1960: SCM Press), pp. 83-4.

general pattern. Cyclical time differentiates natural time by marking of sequences of years or months or days marked by a given pattern of events, then further sequences of years or months or days that recapitulate that very same pattern of events. So time is viewed as forming not only natural but also social or historical aggregates, distinct from one another as much as one year is distinct from another, and yet repetitive of a single pattern throughout. The conception of cyclical time takes over from nature that uniformity of day, month, or year, but recasts the terms of uniformity to encompass humanity's, not only nature's, repetitions.

Then history is the discovery of the cycles in an endless sequence. And profound historical thought will require the close study of cycles, with the interest in differentiating cycle from cycle, the discovery, for example, of when the cycles run their course (if they do). All of this intellectual labor is carried on well within the framework of natural differentiation of time. Nature's time and history's time then correspond in that both are differentiated by the appeal to the same recurrent indicators, though the indicators for natural time and those for historical time will differ. So the mode of differentiation is the same, but each said of differentiating indicators conforms to its setting, the human then corresponding to the natural one.

Whence the sense of the cyclicality of time, such as Qohelet (Ecclesiastes) expresses in saying what has been is what will be? An answer drawn from human existence serves. Cyclical time extends to the human condition the observed character of natural time—or reverses the process, assigning to nature the orderly character of human life; the correspondence is what counts. Just as natural time runs through cycles, so humanity marks time through corresponding cycles. For instance, in the aggregates of humanity formed by family, village, or territorial unit ("kingdom," "nation" for example), just as the seasons run from spring through summer to fall to winter, and the human life from youth to middle age to old age to death, so social aggregates prove cyclical.

The territorial unit may be accorded a cycle of time, from birth through maturity, old age, and death, and its "history" may form a chapter in the cyclical patterns of human time, corresponding to natural time. Humanity's mode of differentiating the time marked off by nature, then, accords with the natural indicators of differentiation: the life of the human being forming a metaphor for the life of the social unit. Then humanity's indicators correspond in char-

acter to nature's—the cyclicality of the one matching the character of cyclicality revealed by the other. Yet humanity's indicators also prove natural to the human condition, with the life-cycle forming one (among a variety to be sure) means of differentiating humanly among the divisions of nature's time.

Time historical: If, now, we revert to the characterization of historical time offered just now, how shall we read the cyclical, as distinct from the historical, mode of formulating a human counterpart to nature's time? Here are the point by point correspondences:
1) human events form givens, as much as natural events form givens, in the measurement of time; but these events correspond in character to those of nature, because, like those in nature, they recur in a fixed and predictable pattern, just as nature's events do; human events, like natural divisions of aggregates of time, are not unique, not particular, not one-time only; they are recurrent and mark of an eternal return of the pattern set forth *ab initio* (whether from creation, whether from the formation of the social order);
2) but the problem of a human formulation of the nature of time is solved as much as it is by history, though in a different way; specifically, nature's time is cut down to human size by cyclical time, but this is done in nature's way. Cyclical time recasts nature's time. As the latter finds points of differentiation in cyclical events (lunar months, solar seasons), so the former—historical time viewed cyclically—is marked off recurrent points of differentiation, but these are, in the nature of things, measured in the dimensions of the human life.
3) consequently, nature's time does not subordinate itself to history's time; time is itself not linear, not marked off by unique events, reversible in direction from past to future, and not at all clearly differentiated (for the same reason) into past, present, and future.

It follows that nature provides the metaphor for cyclical time. That explains why cyclical time is coherent with nature in a way in which historical time is not. Specifically, nature in humanity is expressed through a cycle of birth, youth, maturity, old age, death. The next step, for cyclical time given the form of historical narrative (for example) is then readily to be predicted. How nature divides the time of a human life then is translated into, or raised to the level of, the social order. Then society (e.g., the territorial unit, the city, the community, the kingdom, the empire) is born, matures, grows old,

dies, with a further cycle to follow, onward into time. That is how human time, like nature's time, is deemed to conform to a cycle corresponding to the natural and the individual. The events of the social order viewed as comparable to the natural one are not unique, irreversible, irrecoverable, and linear, but common, recurrent, recoverable, and, of course, cyclical;

Time paradigmatic: We see, therefore, two media for the taxonomy of humanity's time, in response to the classification of nature's time, the historical and the cyclical. But there is a third, which I call, the paradigmatic classification of humanity's time; it is not historical, and it also is not cyclical. That is what has now to be defined. Time paradigmatic refers to a pattern, or a model, or a paradigm (the words are interchangeable here) that provides yet another way of defining time in human terms, which is to say, of taking the natural divisions of time and correlating with them aggregates of time that express time in human terms. But paradigmatic time takes a different measure altogether from historical, including cyclical time; and it deems nature's time merely integral to its own. What, precisely, do I mean by "time paradigmatic"?

3. Paradigmatic Time: A Definition

What is at stake in the conception of time within paradigmatic thinking? By a paradigm time is marked off by indicators that are utterly free-standing, in no way correlated with natural time at all; a paradigm's time is time defined in units that are framed quite independent of the epiphenomena of time and change as we know it in this life, on the one side or the cycle of natural events that define and also delineate nature's time, on the other. Paradigms may be formed on a variety of bases, but all paradigmatic formulations of time have in common their autonomy of nature, on the one side, and events beyond their own pattern's definitions, (whether by nature or by historical events), on the other. In the religions, Judaism and Christianity, it is God who in creation has defined the paradigms of time, Scripture that conveys those paradigms, and humanity that discovers, in things large and small, those paradigms that inhere in the very nature of creation itself.

Fractals (in mathematical language) or paradigms describe how things are, whether large or small, whether here or there, whether

today or in a distant past or an unimaginable future. The paradigm identifies the sense and order of things, their sameness, without regard to scale; a few specific patterns, revealed in this and that, hither and yon, isolate points of regularity or recurrence. We know those "fractals" or paradigms because, in Scripture, God has told us what they are; our task is so to receive and study Scripture as to find the paradigms; so to examine and study events as to discern the paradigms; so to correlate Scripture and time—whether present time or past time then matters not at all—as to identify the indicators of order, the patterns that occur and recur and (from God's perspective) impose sense on the nonsense of human events.

A paradigm forms a way of keeping time that invokes its own differentiating indicators, its own counterparts to the indicators of nature's time. Nature defines time as that span that is marked off by one spell of night and day; or by one sequence of positions and phases of the moon; or by one cycle of the sun around the earth (in the pre-Copernican paradigm). History further defines nature's time by marking of a solar year by reference to an important human event, e.g., a reign, a battle, a building. So history's time intersects with, and is superimposed upon, nature's time. And, as I just said, cyclical time forms a modification of history's time, appealing for its divisions of the aggregates of time to the analogy, in human life, to nature's time: the natural sequence of events in a human life viewed as counterpart to the natural sequence of events in solar and lunar time.

To use secular language, I cannot overstress the fictive, predetermined character of time as measured in the paradigmatic manner, that is, time as formulated by a free-standing, (incidentally) atemporal model, not appealing to the course of sun and moon, not concerned with the metaphor of human life and its cyclicality either. Paradigms are set forth by neither nature (by definition) nor natural history (what happens on its own here on earth); by neither the cosmos (sun and moon) or the natural history of humanity (the life cycle and analogies drawn therefrom). In the setting of Judaism and Christianity, paradigms are set forth in revelation; they explain the Creator's sense of order and regularity, which is neither imposed upon, nor derived from, nature's time, not to be discovered through history's time. And that is why to paradigmatic time, history is wildly incongruous, and considerations of linearity, temporality, and his-

torical order beyond all comprehension. God has set forth the paradigms that measure time by indicators of an other-than natural character: supernatural time, which of course is beyond all conception of time.

So much for a theological formulation of matters. What, in this-worldly language, is to be said about the same conception? Paradigms derive from human invention and human imagination, imposed on nature and on history alike. Nature is absorbed, history recast, through time paradigmatic; that is, time invented, not time discovered; time defined for a purpose determined by humanity (the social order, the faithful, for instance), time not discovered by determined and predetermined, time that is not natural or formed in correspondence to nature, or imposed upon nature at specified intersections; but time that is defined completely in terms of the prior pattern or the determined paradigm or fabricated model itself: time wholly invented for the purposes of the social order that invents and recognizes time.

Let me make these abstractions concrete, since I refer, for time paradigmatic, to perfectly familiar ways of thinking about the passage of time, besides the natural and historical ways of thinking. Once I define time paradigmatic as time invented by humanity for humanity's own purposes, time framed by a system set forth to make sense of a social order, for example, the examples multiply. The use of B.C. and A.D. forms one obvious paradigm: all time is divided into two parts by reference to the advent of Jesus Christ. Another paradigm is marked by the history of humanity set forth in Scripture: Eden, then after Eden; or, Adam vs. Israel, Eden vs. the Land; Adam's fall vs. Israel's loss of the Land. The sages will impose a further, critical variable on the pattern of Eden vs. Land of Israel, Adam vs. Israel, and that is, Sinai. A pattern then will recognize the divisions of time between before Sinai and afterward.

4. Paradigmatic Time: An Example in Rabbinic Literature

These general definitions should be made still more concrete in the setting of Rabbinic Judaism. Let me give a single example of time paradigmatic, in contrast to the conceptions of time that govern in the Hebrew Scriptures. The character of paradigmatic time is captured in the following, which encompasses the entirety of Israel's

being (its "history" in conventional language) within the conversation that is portrayed between Boaz and Ruth; I abbreviate the passage to highlight only the critical components:

Ruth Rabbah Parashah Five XL:i.

1. A. "And at mealtime Boaz said to her, 'Come here and eat some bread, and dip your morsel in the wine.' So she sat beside the reapers, and he passed to her parched grain; and she ate until she was satisfied, and she had some left over":
   B. R. Yohanan interested the phrase "come here" in six ways:
   C. "The first speaks of David.
   D. "'Come here': means, to the throne: 'That you have brought me here' (2 Sam. 7:18).
   E. "'...and eat some bread': the bread of the throne.
   F. "'...and dip your morsel in vinegar': this speaks of his sufferings: 'O Lord, do not rebuke me in your anger' (Ps. 6:2).
   G. "'So she sat beside the reapers': for the throne was taken from him for a time."
   I. [Resuming from G:] "'and he passed to her parched grain': he was restored to the throne: 'Now I know that the Lord saves his anointed' (Ps. 20:7).
   J. "'...and she ate and was satisfied and left some over': this indicates that he would eat in this world, in the days of the messiah, and in the age to come.
2. A. "The second interpretation refers to Solomon: 'Come here': means, to the throne.
   B. "'...and eat some bread': this is the bread of the throne: "And Solomon's provision for one day was thirty measures of fine flour and three score measures of meal' (1 Kgs. 5:2).
   C. "'...and dip your morsel in vinegar': this refers to the dirty of the deeds [that he did].
   D. "'So she sat beside the reapers': for the throne was taken from him for a time."
   G. [Reverting to D:] "'and he passed to her parched grain': for he was restored to the throne.
   H. "'...and she ate and was satisfied and left some over': this indicates that he would eat in this world, in the days of the messiah, and in the age to come.
3. A. "The third interpretation speaks of Hezekiah: 'Come here': means, to the throne.
   B. "'...and eat some bread': this is the bread of the throne.
   C. "'...and dip your morsel in vinegar': this refers to sufferings [Is. 5:1]: 'And Isaiah said, Let them take a cake of figs' (Is. 38:21).

D. "'So she sat beside the reapers': for the throne was taken from him for a time: 'Thus says Hezekiah, This day is a day of trouble and rebuke' (Is. 37:3).
E. "'...and he passed to her parched grain': for he was restored to the throne: 'So that he was exalted in the sight of all nations from then on' (2 Chr. 32:23).
F. "'...and she ate and was satisfied and left some over': this indicates that he would eat in this world, in the days of the messiah, and in the age to come.

4. A. "The fourth interpretation refers to Manasseh: 'Come here': means, to the throne.
B. "'...and eat some bread': this is the bread of the throne.
C. "'...and dip your morsel in vinegar': for his dirty deeds were like vinegar, on account of wicked actions.
D. "'So she sat beside the reapers': for the throne was taken from him for a time: 'And the Lord spoke to Manasseh and to his people, but they did not listen. So the Lord brought them the captains of the host of the king of Assyria, who took Manasseh with hooks' (2 Chr. 33:10-11)."
K. [Reverting to D:] "'and he passed to her parched grain': for he was restored to the throne: 'And brought him back to Jerusalem to his kingdom' (2 Chr. 33:13).
N. "'...and she ate and was satisfied and left some over': this indicates that he would eat in this world, in the days of the messiah, and in the age to come.

5. A. "The fifth interpretation refers to the Messiah: 'Come here': means, to the throne.
B. "'...and eat some bread': this is the bread of the throne.
C. "'...and dip your morsel in vinegar': this refers to suffering: 'But he was wounded because of our transgressions' (Is. 53:5).
D. "'So she sat beside the reapers': for the throne is destined to be taken from him for a time: For I will gather all nations against Jerusalem to battle and the city shall be taken' (Zech. 14:2).
E. "'...and he passed to her parched grain': for he will be restored to the throne: 'And he shall smite the land with the rod of his mouth' (Is. 11:4)."
I. [reverting to G:] "so the last redeemer will be revealed to them and then hidden from them."

The paradigm here may be formed of six units: 1) David's monarchy; 2) Solomon's reign; 3) Hezekiah's reign; 4) Manasseh's reign; 5) the Messiah's reign. So paradigmatic time compresses events to the dimensions of its model. All things happen on a single plane of

time. Past, present, future are undifferentiated, and that is why a single action contains within itself an entire account of Israel's social order under the aspect of eternity.

The foundations of the paradigm, of course, rest on the fact that David, Solomon, Hezekiah, Manasseh, and therefore also, the Messiah, all descend from Ruth's and Boaz's union. Then, within the framework of the paradigm, the event that is described here—"And at mealtime Boaz said to her, 'Come here and eat some bread, and dip your morsel in the wine.' So she sat beside the reapers, and he passed to her parched grain; and she ate until she was satisfied, and she had some left over"—forms not an event but a pattern. The pattern transcends time; or more accurately, aggregates of time, the passage of time, the course of events—these are all simply irrelevant to what is in play in Scripture. Rather we have a tableau,[8] joining persons who lived at widely separated moments, linking them all as presences at this simple exchange between Boaz and Ruth; imputing to them all, whenever they came into existence, the shape and structure of that simple moment: the presence of the past, for David, Solomon, Hezekiah,and so on, but the pastness of the present in which David or Solomon—or the Messiah for that matter—lived or would live (it hardly matters, verb tenses prove hopelessly irrelevant to paradigmatic thinking).

Taking account of both the simple example of B.C. and A.D. and the complex one involving the Israelite monarchy and the Messiah, we ask ourselves how time has been framed within the paradigmatic mode of thought. The negative is now clear. Paradigmatic time has no relationship whatsoever to nature's time. It is time invented, not discovered; time predetermined in accord with a model or pattern, not time negotiated in the interplay between time as defined by nature and time as differentiated by human cognizance and recognition.

Here the points of differentiation scarcely intersect with either nature's or history's time; time is not sequential, whether in natural or historical terms; it is not made up of unique events, whether in nature or in the social order; it is not differentiated by indicators of

[8] For the notion of the representation of Israel's existence as an ahistorical tableau, see my *Judaism. The Evidence of the Mishnah.* Chicago, 1981: University of Chicago Press. Paperback edition: 1984. Second printing, 1985. Third printing, 1986. Second edition, augmented: Atlanta, 1987: Scholars Press for Brown Judaic Studies.

a commonplace character. Divisions between past, present, and future lie beyond all comprehension. Natural time is simply ignored here; years do not count, months do not register; the passage of time marked by the sun, correlated with, or ignored by, the course of human events, plays no role at all. All flows from that model—in the present instance, the model of time divided into chapters of Davidic dynastic rulers, time before the Messiah but tightly bound to the person of the Messiah; the division of time here then can take the form of before Boaz's gesture of offering food to Ruth and afterward; before David and after the Messiah; and the like. A variety of interpretation of the passage may yield a range of paradigms; but the model of paradigmatic time will remain one and the same. Not much imagination is required for the invention of symbols to correspond to B.C. and A.D. as a medium for expressing paradigmatic time.

The case now permits us further to generalize. The paradigm takes its measures quite atemporally, in terms of not historical movements or recurrent cycles but rather a temporal units of experience, those same aggregates of time, such as nature makes available through the movement of the sun and moon and the passing of the seasons, on the one hand, and through the life of the human being, on the other. A model or pattern or paradigm will set forth an account of the life of the social entity (village, kingdom, people, territory) in terms of differentiated events—wars, reigns, for one example, building a given building and destroying it, for another—yet entirely out of phase with sequences of time.

A paradigm imposed upon time does not call upon the day or month or year to accomplish its task. It will simply set aside nature's time altogether, regarding years and months as bearing a significance other than the temporal one (sequence, span of time, aggregates of time) that history, inclusive of cyclical time's history, posits. Time paradigmatic then views humanity's time as formed into aggregates out of all phase with nature's time, measured in aggregates not coherent with those of the solar year and the lunar month. The aggregates of humanity's time are dictated by humanity's life, as much as the aggregates of nature's time are defined by the course of nature. Nature's time serves not to correlate with humanity's patterns (no longer, humanity's time), but rather to mark off units of time to be correlated with the paradigm's aggregates.

It remains to reconsider those systematic comparisons between

history's time and other modes of keeping time that have already served us well. Since the comparison of historical and cyclical time is now in hand, let us turn directly to ask how we shall read the paradigmatic, as distinct from the cyclical mode of formulating a human counterpart to nature's time? Here are the point by point correspondences:

1) in time paradigmatic, human events do not form givens, any more than natural events form givens, in the measurement of time; while both of those definitions of the eventful correspond in character to the course of nature, paradigmatic events find their definition in the paradigm, within the logic of the system, in accord with the predetermined pattern, and not in response to the givens of the natural world, whether in the heavens or in the life cycle; paradigmatic time also follows a fixed and predictable pattern, but its identification of what is eventful out of what happens in the world at large derives from its own logic and its own perception; nothing is dictated by nature, not nature's time, not history's time, not the linear progress of historical events, not the cyclical progress of historical patterns;

2) nature's time plays no independent rule in paradigmatic time; cut down to human size by cyclical time in nature's way, nature's time in paradigmatic thinking is simply absorbed into the system and treated as neutral—nature's time is marked, celebrated, sanctified, but removed from the entire range of history, which is wholly taken over and defined by the paradigm.

3) consequently, nature's time plays no role in paradigmatic time; time is neither cyclical not linear, it is not marked off by unique events, it is simply neutral and inert. Time is inconsequential; the issue is not whether or not time is reversible in direction from past to future, or whether or not time is to be differentiated (for the same reason) into past, present, and future.

Nature's time, with its sense of forward movement (within the natural analogy supplied by the human life, from birth to death) is simply beyond the paradigmatic limits, for the paradigm admits of neither past nor present nor future, differentiated but also linked; nor cycle and recurrence. These conceptions contradict its very character. A paradigm predetermines, selects happenings in accord with a pattern possessed of its own logic and meaning, unresponsive to the illogic of happenings, whether chaotic, whether orderly, from the human perspective. A model is just that: there to dictate,

there to organize, there to take over, make selections, recognize connections, draw conclusions. To characterize paradigmatic time as atemporal therefore proves accurate but tangential, since atemporality is not a definitive taxic trait, merely a byproduct of that trait. Indeed, the very phrase, "paradigmatic time," standing by itself presents an oxymoron. Paradigms admit to time—the spell that intervenes between this and that, the this and the that beyond defined within the paradigm. In that sense, time pertains, as much as the spell between sunset and sunset or new moon and new moon pertains in nature's time.

But in situating the events in the scale of human time, as history would have matters, to the model of Ruth and Boaz, David, Solomon, and the Messiah, captured in the little gesture, "and he passed to her parched grain; and she ate until she was satisfied, and she had some left over," the matter of time simply does not pertain. For the action was not one-time (even for all-time) nor cyclical, but altogether out of history's and nature's time. Time is contingent, within the model. The paradigm serves to select events; model to endow events with order and meaning, structure and familiarity. Rich in time-sequences, the scene is a tableau, full of action but lacking temporality. Paradigmatic time organizes events in patterns, invokes a model that everywhere pertains; the atemporality then is a byproduct of the very character of thinking about time and change that governs. Time and change mark chaos; order is not discovered within time and change but

5. Past, Present, Future Time and Eternity vs. Time Undifferentiated by Event

Clearly, in paradigmatic existence, time is not differentiated by events, whether natural or social. Time is differentiated in another way altogether, and that way so recasts what happens on earth as to formulate a view of existence to which any notion of events strung together into sequential history or of time as distinguished by one event rather than some other is not so much irrelevant as beyond all comprehension. To characterize Rabbinic Judaism as atemporal or ahistorical is both accurate and irrelevant. That Judaism sets forth a different conception of existence, besides the historical one that depends upon nature's and humanity's conventions on the definition and division of time.

Existence takes on sense and meaning not by reason of sequence and order, as history maintains in its response to nature's time. Rather, existence takes shape and acquires structure in accord with a paradigm that is independent of nature and the givens of the social order: God's structure, God's paradigm, our sages of blessed memory would call it; but in secular terms, a model or a pattern that in no way responds to the givens of nature or the social order. It is a conception of time that is undifferentiated by event, because time is comprised of components that themselves dictate the character of events: what is noteworthy, chosen out of the variety of things that merely happen. And what is remarkable conforms to the conventions of the paradigm.

Since we commenced this account of history, time, and paradigm, with a brief formulation of how ancient Israel's historical thinking took place and how historical writing unfolded, let us double back and ask ourselves how the conceptions of time laid out here compare with the initial formulation of matters. For that purpose I cite the formulation of Baruch Halpern:

> The confessional use of the Bible is fundamentally ahistorical. It makes of Scripture a sort of map, a single, synchronic system in which the part illuminates the whole, in which it does not matter that different parts of the map come from divergent perspectives and different periods. The devotee uses it to search for treasure: under the X lies a trove of secret knowledge; a pot of truths sits across the exegetical rainbow, and with them one can conjure knowledge, power, eternity. Worshipers do not read the Bible with an intrinsic interest in human events. like the prophet or psalmists or, in Acts, the saint, they seek behind the events a single, unifying cause that lends them meaning and makes the historical differences among them irrelevant. in history, the *faithful* seek the permanent, the ahistorical; in time, they quest for timelessness; in reality, in the concrete, they seek Spirit, the insubstantial. Confessional reading levels historical differences—among the authors in the Bible and between those authors and church tradition—because its interests are life present (in the identity of a community of believers) and eternal.[9]

Explaining what Judaic and Christian readings of Scripture do not do but unable to account for what they do accomplish, Halpern's statement contains these important components:

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[9] Baruch Halpern, *The First Historians. The Hebrew Bible and History* (San Francisco, 1988: Harper & Row), pp. 3-4.

1. The confessional use of the Bible is fundamentally ahistorical.
2. Worshipers do not read the Bible with an intrinsic interest in human events. like the prophet or psalmists or, in Acts, the saint, they seek behind the events a single, unifying cause that lends them meaning and makes the historical differences among them irrelevant.
3. In history, the *faithful* seek the permanent, the ahistorical;
4. in time, they quest for timelessness;
5. in reality, in the concrete, they seek Spirit, the insubstantial.
6. Confessional reading levels historical differences—among the authors in the Bible and between those authors and church tradition—because its interests are life present (in the identity of a community of believers) and eternal.

What we have found certainly conforms to Halpern's observations, but hardly for his reasons. He stresses the ahistorical character of the religious reading of Scripture, and his stress is sound. But he has not explained that ahistorical reading, he has only described its components. The one point of explanation comes at the end. But the "because" clause strikes me as monumentally irrelevant to the matter at hand, since the ahistorical character of the religious reading of Scripture in Judaism and Christianity finds its explanation merely in the motive for reading Scripture. But that same explanation can serve for any number of readings of Scripture besides the ahistorical, and it is not particular to the data at hand. The explanation offered just now, the appeal to paradigmatic time as against historical or cyclical time, by contrast addresses a particular phenomenon and no other. The ahistorical character of the religious reading of Scripture turns out to derive from a conception of time quite different from that of history. And the rest follows. It goes without saying that, from the beginnings of Rabbinic Judaism and Christianity until the nineteenth century in German Evangelical Christianity and Reform Judaism, and until the mid-twentieth century in other Christianities and Judaisms, the paradigmatic reading of Scripture defined the prevailing hermeneutics. The agenda of higher critical studies stands against two thousand years of Judaic and Christian theology and hermeneutics.

6. Paradigmatic Thinking in Rabbinic Judaism

The paradigmatic concept of time forms a chapter in a larger mode of thought, which should be defined in its own terms.

Rabbinic Judaism formulates its conception of the social order—of the life of its "Israel" and the meaning of that life through time and change—in enduring paradigms that admit no distinction between past, present, and future. All things take form in a single plane of being; Israel lives not in historical time, moving from a beginning, to a middle, to an end, in a linear plan. Nor does it form its existence in cyclical time, repeating time and again familiar cycles of events. Those familiar modes of making sense out of the chaos of change and the passage of time serve not at all. Rather, Israel lives in accord with an enduring paradigm that knows neither past, present, nor future. Appealing to a world of timeless myth, that Judaism accounts for how things are not by appeal to what was and what will be, but by invoking the criterion of what characterizes the authentic and true being of Israel, an idea or ideal defined by the written Torah and imposed upon the chaos of time and change. The pattern that controls recapitulates, without regard to time or change, the paradigmatic lives of the patriarchs and matriarchs, so that a single set of patterns governs. Here history gives way to not eternity but permanence, the rules of the paradigm telling us not how to make sense of what was or how to predict what will be, but only what it is that counts.

In the context of a Judaism what is at stake in all explanation, whether historical or paradigmatic, is the same thing, namely, accounting for the here and now of "Israel," that social entity that a particular group of Jews conceives itself to constitutes. Now "Israel's" existence may be explained in diverse ways. It is a group of people that has come about through a series of events, progressing through time and through its actions in relationship to God writing a history for itself. So to be "Israel" means, to have come from somewhere and to be en route to some other place, and to explain this "Israel" we tell the story of the journey. People then may join the trip, take up the burden of history and assume the hope for the future destination as well. Shared memory (fabricated or otherwise) forms the medium for the social message.

Paradigmatic thinking defines and explains "Israel" in a different way.[10] To be "Israel" means to conform to a pattern of actions

[10] On the negotiability, the systemic particularity, of "Israel" or the concept of Israel, see my *Judaism and its Social Metaphors. Israel in the History of Jewish Thought.* N.Y., 1988: Cambridge University Press, and now, also, Philip R. Davies, *In Search of Ancient Israel* (Sheffield, 1993: Journal for the Study of the Old Testament Supple

and attitudes set forth for all time and without distinction in time. That pattern, or paradigm, comes to definition in the lives of the patriarchs and matriarchs. It is then recapitulated in a social world that knows not change but conformity to paradigm. Since the paradigm endures, we explain happenings by appeal to its rules, and the event is not what is singular and distinctive but what conforms to the rule: we notice what is like the paradigm, not what diverges from it. To the paradigm matters of memory and hope prove monumentally irrelevant, because they explain nothing, making distinctions that stand for no important differences at all.

When we want to explain what it means to be "Israel," therefore, we appeal to not time and change but eternity and permanence. Or rather, the conception of the category, time—what is measured by the passage of the sun and moon in relationship to events here on earth—altogether loses standing. In place of distinguishing happenings through the confluence of time, measured by the passage of the sun and moon, and event, distinguished by specificity and particularity, paradigmatic thinking takes another route. It finds an event in what conforms to the paradigm, what is meaningful in what confirms it. In our own setting, we make the distinction that operates here when we speak of nominalism as against realism, or the humanities as against the social sciences, or the individual and singular as against the general and the uniform, or the exception as against the rule. How these various modes of making sense of the social order pertain here is now clear. In historical thinking we ask the distinctive event and its consequences out of the past to deliver its meaning to the present and message concerning the future: if this, then that. In paradigmatic thinking we examine the norms for an account of how things ought to be, finding the rule that tells us how things really are. Then past, present, future differentiate not at all, the pattern of an eternal present taking over to make sense of the social order.

It follows that in the paradigmatic mode of thinking about the social order, the categories of past, present, and future, singular event and particular life, all prove useless. In their place come the categories defined by the actions and attitudes of paradigmatic persons,

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ment Series 148), who, alas, did not know of my work when he pursued exactly the same problem within precisely the same premises—the indeterminacy of "Israel"—though in a different temporal setting.

Abraham and Sarah, for instance, or paradigmatic places, the Temple, or paradigmatic occasions, holy time, for instance. We identify a happening not by its consequence ("historical") but by its conformity to the appropriate paradigm. We classify events in accord with their paradigms as not past, present, or future, therefore, because to the indicators of eventfulness—what marks a happening as eventful or noteworthy—time and change, by definition, have no bearing at all. Great empires do not make history; they fit a pattern.

What they do does not designate an event, it merely provides a datum for classification within the pattern. To this way of thinking, apocalypse, with its appeal to symbol to represent vast forces on earth, makes its contribution; but paradigmatic and apocalyptic thinking about Israel's social being scarcely intersect. The paradigmatic excludes the historical, the indicative, the categorical pattern, the possibility of noteworthy change. Matters are just the opposite, indeed: paradigmatic thinking accommodates historical thinking not at all, since the beginning of history, in the notion of the pastness of the past, contradicts the generative conception of the paradigm: the very paradigmatic character of the happening that bears meaning.

In that context, therefore, the governing categories speak of not time and change, movement and direction, but the recapitulation of a given pattern, the repetition of the received paradigm. Being then moves from the one-time, the concrete, the linear and accumulative, to the recurrent, the mythic, and the repetitive: from the historical to the paradigmatic. These modes of identifying a happening as consequential and eventful then admit no past or present or future subject to differentiation and prognostication, respectively. Time therefore bears no meaning, nor the passage of time, consequence. If, therefore, the historical mode of organizing shared experience into events forming patterns, its identification of events as unique and persons as noteworthy, of memory as the medium for seeking meaning, and narrative as the medium for spelling it out, paradigmatic thinking will dictate a different mode of culture.

It is one in which shared experience takes on meaning when the received paradigms of behavior and the interpretation of the consequence of behavior come to realization once again: the paradigm recapitulated is the paradigm confirmed. What takes place that is identified as noteworthy becomes remarkable because today conforms to yesterday and provokes, too, tomorrow's recapitulation as well. We notice not the unlike—the singular event—but the like, not what

calls into question the ancient pattern but what reviews and confirms it. If, then, we wish to make sense of who we are, we ask not where we come from or where we are heading, but whom we resemble, and into which classification of persons or events we fit or what happens appears to repeat. The social order then finds its explanation in its resemblances, the likenesses and the unlikenesses of persons and happenings alike.

Let me make this point concrete. The meaning of shared experience, such as history sets forth in its categories of past, present, future, and teleology through narrative of particular events or through biography of singular lives, emerges in a different way altogether. In the formulation of the social order through paradigm, past, present, future, the conception of time in general, set forth distinctions that by definition make no difference. Events contradict the paradigm; what is particular bears no sense. Then remarkable happenings, formed into teleology through history-writing, or noteworthy persons' lives, formed into memorable cases through biography, no longer serve as the media of making a statement bearing intelligible, cultural consequence.

Paradigmatic thinking is never generalized; it is a mode of thought that is just as specific to the case as is theological thinking in the historical medium. Specific paradigms come into play. They define the criteria for the selection as consequential and noteworthy of some happenings but not others. They further dictate the way to think about remarkable happenings, events, so as to yield sense concerning them. They tell people that one thing bears meaning, while another does not, and they further instruct people on the self-evident meaning to be imputed to that which is deemed consequential. The paradigms are fully as social in their dimensions, entirely as encompassing in their outreach, as historical categories. We deal not with the paradigms of universal, individual life, taking the place of those of particular, social existence, such as history, with its unique, one-time, sequential and linear events, posits. The result of paradigmatic thinking is no different from that of the historical kind.

For before us is not a random sequence of entirely personal recapitulations of universal experiences, for instance, birth, maturing, marriage, love, and death; these modes of permanence in change, these personal paradigms that form a counterpoint to one-time, public moments play no role in the formation of what endures, whether past, whether past, whether future, in the eternal now. The defini-

tion of the consequential, permanent paradigms that replace the conception of history altogether will emerge in due course. At the outset what is at stake must be clear. The shift from historical to paradigmatic thinking represents a movement from one kind of thinking about the social order to another kind. The particularity of history finds its counterpart in the particularity of the paradigm of thought.

This leads directly to the kind of thinking—paradigmatic, ahistorical, and I claim, utterly anti-historical and dismissive of particularities of time or circumstance but rather philosophical and generalizing—that characterizes Rabbinic writing. Here the past is present, the present is past, and time contains no delineative future tense at all; eschatological teleology gives way to paradigmatic teleology, and—it goes without saying—biography abdicates in favor of highly selective paradigms of exemplarity in the lives of persons, events to patterns. Sustained narrative is abandoned because it is irrelevant; biography, because it is filled with useless information. The concept of organizing the facts (real or fabricated) of the social world of Israel into history as the story of the life and times of Israel, past, present, and future, is succeeded by the concept of organizing the received and now perceived fasts of the social world of Israel into the enduring paradigm in which past, present, and future fuse into an eternal now.

When recapitulative paradigms of meaning obliterate all lines between past, present, and future, so that the past forms a permanent presence among the living, and the present recapitulates the paradigm of the past, the conception of history, with a beginning, middle, and end, a linear and cumulative sequence of distinct and individual events, is lost. And writing too changes in character, for with the loss of historical thinking perish three kinds of writing.

These are, first, narrative, the tale of a singular past leading to present and pointing toward the future, the concretization therefore of teleology.

The second kind of writing is biography, the notion of an individual and particular life, also with its beginning, middle, and end.

The third is formulation of events as unique, with close study of the lessons to be derived from happenings of a singular character.

And the loss of these three types of writing, commonplace in the standard history, Genesis through Kings, of the Hebrew Scriptures,

signals a shift in categories, from the category of history, resting on the notion of time as a taxonomic indicator, to a different category altogether. For the concept of history generates its conception of time, made concrete through the writing of narrative and biography, the formulation of things that have taken place into the formation of consequential, singular events, comparable to the identification of particular persons as events of consequence, worthy of preservation; time starts somewhere and leads to a goal, and lives begin, come to a climax, and conclude as well.

With the end of linear, cumulative, and teleological-historical thinking, the realization of history in narrative, event, and biography loses currency. Narrative strings together one time events into meaningful patterns, with a beginning, middle, and end; that is the medium of history, and that medium bears history's self-evident messages (whatever they may be). Biography then does for individuals what narrative accomplishes for remarkable moments in the existence of the social entity; the narrative takes its measure in different dimensions, but the mode of thought is identical, and the medium for explanation the same. So too the conception of time, that is, a sequence of distinct moments, whether cyclical, following a pattern of recurrence, or linear, pursuing a single line from start to finish, also loses all self-evidence. In place, the passage of the fixed stars and planets, the moon and sun, cease to mark off ages and signify periods in human events—this year, this event, next year, that event—and instead measure something else altogether. Just as the passage of a person's life from birth to death takes place outside of historical, that is, public, shared, eventful time, only rarely intersecting with the historical and the consequential, so the paradigms marked off something other than the cumulative passing of public time, or of any time that people ordinarily would measure at all.

With the past eternally present, with the present simply another form of the immediate realization of times past, and with the future predetermined by rules long known and also formed as a recapitulation of the eternal paradigm, the conception of history as we know it from the Holy Scriptures of ancient Israel—"the Old Testament," "the Written [part of the] Torah—loses all standing. Whether in the form of the view that what has been is what will be, that is, cyclical time, or in the version of the history from Genesis through Kings that posited linear time, with beginning, middle, and end, the concept of history simply gives way to another way of thinking altogether.

Before we can proceed, we have now to establish that historical thinking did predominate in the Scriptures inherited by our sages of blessed memory and recast by them in the writings of legal, exegetical, and theological character through which they mediated Scripture into the(ir) Torah.

CHAPTER SIX

HALAKHAH PAST TIME: WHY NO HISTORY IN RABBINIC JUDAISM?

A. Said R. Nahman, "Moses ordained for Israel the blessing of the Grace after meals ending, 'Who feeds all,' when manna came down for them.
B. "Joshua ordained for them the benediction [in the Grace after Meals] for the land, when they entered the land.
C. "David and Solomon ordained for them, 'Who builds Jerusalem.'
D. "David ordained the passage, 'For Israel, your people, and for Jerusalem, your city,' and Solomon ordained, 'For the great and holy house.'
E. "The blessing, 'Who is good and does good' was ordained in Yabneh on account of those who had been killed at Betar.'"
F. For R. Mattena said, "On the day on which those had been killed at Betar were committed for burial, they ordained in Yabneh the benediction 'Who is good and does good.'
G. "'Who is good' that the bodies had not rotted.
H. "'And who does good' that they were handed over for burial."

Bavli-tractate Berakhot 7:1-2 XII.10/48B

> If the rabbis, wise men who had inherited a powerful historical tradition, were no longer interested in history, this indicates nothing more than that they felt no need to cultivate it. Perhaps they already knew of history what they needed to know.
>
> Yosef Hayim Yerushalmi, *Zakhor*

The halakhah, makes no effort to link its rulings to specific historical events and contains no judgments upon the long sweep of time. To the sages of Bavli-tractate Berakhot, events mattered as occasions within the unfolding of the halakhah, bearing no inner logic, no compelling message on their own. Sages did not think historically, recognizing time past as distinct from time present, but they explicitly denied that historical considerations enter into the exegesis of the Torah. That forms the basis of Professor Yosef Hayim

Yerushalmi's treatment of the topic. epitomized in the sentence cited above.

Yerushalmi's famous (if, as we shall see, uncomprehending and even bizarre) explanation of why Rabbinic Judaism—normative from its formative centuries to our own day—produced little history but conducted theological discourse other than in the historical modes familiar from Scripture deserves more attention than it has received. Indeed, twenty years have passed since the publication of Yosef Hayim Yerushalmi, *Zakhor. Jewish History and Jewish Memory,*[1] the opening chapter of which treats as uniform the historical character of the modes of thought characteristic of both the Hebrew Scriptures ("Old Testament") and the Rabbinic literature (Mishnah, Talmuds, Midrash-compilations). That by itself represents a gross miscategorization of matters, since quite distinct modes of thought govern in the two bodies of writing, separated as they are by seven hundred years to a millennium. But no reviewer pointed out that something was awry. And since that time, critical readings of Yerushalmi's book have not pointed to the fact that, while the Hebrew Scriptures do set forth a coherent historical explanation for the condition of Israel, Genesis through Kings forming a systematic account, Rabbinic literature does not. So Yerushalmi has treated as a cogent composition two quite disparate bodies of thought, the biblical and the Rabbinic (in his categories), and no one until now has noticed.

And yet that corpus of authoritative writings, called "the oral [part of the] one whole Torah revealed by God to Moses at Sinai," took over the Hebrew Scriptures and mediated them into Judaism (much as the New Testament took over the Old Testament within the structure of Christianity), forms an utterly ahistorical account of its "Israel." That literature, formidable in dimensions and comprehensive in scope, contains not a single work of sustained historical writing, comparable, for instance, to Josephus's History. It presents no systematic biography of a single holy figure, to be compared to a Gospel, on the one side, or a life of a saint, on the other. In fact, Rabbinic literature is utterly atemporal and ahistorical. It just follow that Judaism, defined as it is by the Torah—oral and written—is not a historical religion or a religion of memory or tradition. As we shall see in due course, Yerushalmi recognized that fact but proposed to

[1] Seattle and London, 1982: University of Washington Press.

sidestep it. But the real questions are two: what forms of social explanation did the sages of Rabbinic literature put forth in place of the inherited, traditional historical ones, and why did their modes of thought take shape as they did? Why no history in Rabbinic Judaism, meaning, why no history in Judaism?

1. The Ahistorical Heirs of the Historical Scriptures of Ancient Israel

Defining historical thinking in the context of the Old Testament in particular, we find the indicative traits of history-writing in general, beginning with the critical distinction between past and present. This is expressed by the French philosopher of historiography, Jacques LeGoff in the following language: "The opposition between past and present is fundamental, since the activity of memory and history is founded on this distinction."[2] The distinction between past and present is not the only indicator of historical modes of organizing experience. A further trait of historical thinking is the linearity of events, a sense for the teleology of matters, however the goal find its definition. Past was then but leads to now. It is not now but it guides us into the acute present tense, and onward to the future. For what may happen is not to be predicted; linearity presupposes predictability, regularity, order,—and therefore contradicts the unpredictability of the world. Historical study correlates this to that, ideas to events, always seeking reasonable explanation for what has come about. Its very premise is that of the Enlightenment, concerning the ultimate order awaiting discovery. History then forms a subset of the quest for order—a persuasive one, one that enjoys the standing of self-evidence.

In its reading of Scripture, Judaism (along with Christianity) posits instead a world of paradigms, which apply without regard to circumstance, past or present, and which treat as uniform and exemplary those same events that historical thinking deems singular and indicative. That mode of thought may be illustrated by reference to the mathematics that speaks of fractal shapes. These fractals or (in my language) paradigms describe how things are, whether large or small, whether here or there, whether today or in a distant past or an unimaginable future. Fractal thinking finds sameness without

[2] Jacques LeGoff, *History and Memory* (N.Y., 1992: Columbia University Press). Translated by Steven Randall and Elizabeth Claman, p. xii.

regard to scale, from small to large—and so too in the case of events. Fractal thinking therefore makes possible the quest for a few specific patterns, which will serve this and that, hither and yon, because out of acknowledged chaos they isolate points of regularity or recurrence and describe, analyze, and permit us to interpret them.[3] Paradigms describe the structure of being: how (some) things are, whether now or then, here or there, large or small—without regard to scale, therefore in complete indifference to the specificities of context. They derive from imagination, not from perceived reality. They impose upon the world their own structure and order, selecting among things that happen those few moments that are eventful and meaningful. Paradigms form a different conception of time from the historical, define a different conception of relationship from the linear. Stated very simply, while historical thinking is linear, religious thinking corresponds to mathematics' fractal thinking.

The shift from historical (Old Testament) to paradigmatic (Rabbinic) models of thinking is set forth in the contrast between two conflicting conceptions of how the social experience of Israel is to be organized and written down and formed into patterns of meaning. The one—the Scriptural—sets forth its theological statement through the medium of history; all scholarship from the nineteenth century forward concurs on that simple statement. It is a linear statement of things: first this, then that, therefore that happened because of this. That mode of thinking came to compete with another, which defined a model or paradigm and selected, among happenings, those events that conformed to the paradigm; or that identified the paradigm in the here and now of ordinary persons' lives and the nation's alike—and that without regard to time or change. For time meant something else than it had in Scripture, and change meant nothing whatsoever.

[3] Solely so as to introduce external evidence in support of my insistence upon the rationality of paradigmatic thinking, I invoke the analogy of fractal mathematics (which I know only as an outsider). I find the points of analogy in fractals in particular in 1) the dismissal of considerations of scale; 2) the admission of chaos into the data out of which order is selected; 3) the insistence that a few specific patterns are all that we have, but that these serve in a variety of circumstances and can be described in a reliable and predictable way. The starting point is chaos, the goal, the discovery of such order as may be discerned. Other mathematical metaphors, based on mathematical models and their philosophy, obviously serve to illuminate the meaning of "paradigm" used here; the notion of mathematical model strikes me as a particularly illuminating metaphor, and that is more accessible to nonmathematicians than is fractal mathematics.

The other makes its statement through a different, quite ahistorical medium, one that explicitly rejects distinctions among past, present, and future, and treats the past as a powerful presence, but the present as a chapter of the past, and the future as a negotiation of not time but principle. A paradigm governs, all events conforming to its atemporal rule. Consequently, the two conflicting conceptions of social explanation—the historical, the paradigmatic—appeal to two different ways of conceiving of, and evaluating, time. Historical time measures one thing, paradigmatic time, another, though both refer to the same facts of nature and of the social order. It follows that, at stake in this study is a detail of the much larger problem of what we mean by "time," but here I offer only a footnote to the study of that protean question.

For its exposition of the cogency and meaning of Israel's social experience, Rabbinic Judaism possesses no concept of history and therefore produces as its statements of the sense of the life of the people neither historical narrative nor biography. The negative of course is to be matched by a positive conception. That Judaism sets forth a concept of paradigm and produces its own counterparts to historical writing: stories about what it deems worth narrating, chapters, not "lives," it identifies as worth emulating. People generally concur that ancient Israel organized its social experience in historical terms: unique events formed into continuous narrative, biography, all formed into an account of what has happened and its meaning—and therefore where matters are heading.

With the past eternally present, with the present simply another form of the immediate realization of times past, and with the future predetermined by rules long known and also formed as a recapitulation of the eternal paradigm, the conception of history as we know it from the Holy Scriptures of ancient Israel—"the Old Testament," "the Written [part of the] Torah—loses all standing. Whether in the form of the view that what has been is what will be, that is, cyclical time, or in the version of the history from Genesis through Kings that posited linear time, with beginning, middle, and end, the concept of history simply gives way to another way of thinking altogether. Before we can proceed, we have now to establish that historical thinking did predominate in the Scriptures inherited by the sages of ancient Judaism and recast by them in the writings of legal, exegetical, and theological character through which they mediated Scripture into the(ir) Torah.

2. Historical Thinking in Ancient Israel

The Hebrew Scriptures of ancient Israel are nearly universally described as historical. Accordingly, the paramount position expressed in the Rabbinic corpus, "considerations of priority or posteriority do not apply to the Torah" (*én muqdam ume'uhar battorah*), which characterizes the conception of history, time, and the eternal present of the Rabbinical literature, contradicts the deepest premise of the scriptural historian-theologians. The writings that attest to how ancient Israel organized and interpreted experience form a systematic history from creation to the destruction of the Temple of Jerusalem in 586 B.C.E. That history, composed at ca. 560 B.C.E., is if not wholly continuous (leaving gaps as it does), yet quite coherent, beginning to end.[4] It is formulated within a cogent theology of Israel's life and experience, from the beginning to the present, and it expresses a clear sense of closure: past distinct from present, present separate from future.

From the perspective of the final formation and closure, it is systematic and orderly and cogent from Genesis through Kings. This Primary History, as it has been called,[5] both narrates and also accounts for the existence of Israel: how the group came into being, what happened to it over time. The narrative sets forth the meaning and message of its social existence. All learning concurs that the Scriptures organize experience in a linear, historical way. All learning concurs on the literary requirements for making a historical statement, which are, as we shall see, a sustained, continuous narrative of specific, unique events, on the one side, and the premise that the past leads into the present and adumbrates the future. Scripture's representation of historical thinking not only follows a linear course but also posits a clear and present distinction between past and present, present and future, future and past. The beginning of its historical thinking lies in the recognition of an abyss and a barrier between now and then; the circumstance is the age beyond the destruction of the first Temple in ca. 586 B.C.

What is essential in the characterization as history of the Hebrew Scriptures is, first, the provision of a sustained and continuous nar-

[4] That fact has been definitively proven by David Noel Freedman; see his *The Unity of the Hebrew Bible* (Ann Arbor, 1991: The University of Michigan Press).

[5] Sara Mandell and David Noel Freedman, *The Relationship between Herodotus' History and Primary History* (Atlanta, 1993: Scholars Press for South Florida Studies in the History of Judaism).

rative of distinct, sequential, and unique events. It therefore would be difficult to improve upon James Barr's concise statement, "...in Hebrew thought the sequence of historical events, or of some historical events, is a purposive movement towards a goal; it is certainly not cyclic in the sense of something recurrent, but is non-recurrent, non-reversible, and unique."[6] The master having spoken, we may state very simply that the requirements for historical thinking in ancient Israel are the convictions that events are unique, bear meaning, come from an unrecoverable past, and point toward specific traits of the immediate and the here and now. Hence history is a composition of events aimed at explaining how things now are by appeal to how they came about. The conception of history may carry with it the idea of eternity, that is, beyond history; but then eternity is as distinct from history as is present from past time. The entire program adumbrated at the outset is covered in Barr's statement. The importance of historical thinking in ancient Israel hardly requires extended exposition.

That is to say, the Israelite scriptural history—the Official or Authorized History—speaks of past, present, and future, clearly delineating the boundaries that mark the one off from the other, at the same time carefully pointing to the orderly connections between the one and the other. Specifically, the story of Israel, encompassing the creation of the world, begins with Eden and the fall of humanity, then begins again with Abraham and the formation of Israel, and concludes with the fall of Israel out of its land. The past yields its lessons, but it is carefully distinguished from the present; the present points toward the future, but the future is conceived as an autonomous realm of being. Time is sequential and differentiated. That is why Genesis through Kings tells that story, a coherent account of a past that is differentiated from the present yet connected to it, yielding a future that can be conceived out of the lines of order extended outward from the present moment. The standard history set forth by Scripture then accounts for a specific moment by appeal to what was and furthermore explains that same moment by prognosis concerning what will be. The lessons of the past then explain the present and dictate the shape of the future. The present state of affairs of course forms the centerpiece of interest.

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[6] James Barr, *Biblical Words for Time* (London, 1969). Second, revised edition, pp. 146-7.

3. Paradigmatic Thinking about the Social Order

Rabbinic Judaism formulates its conception of the social order—of the life of its "Israel" and the meaning of that life through time and change—in enduring paradigms that admit no distinction between past, present, and future. All things take form in a single plane of being; Israel lives not in historical time, moving from a beginning, to a middle, to an end, in a linear plan. Nor does it form its existence in cyclical time, repeating time and again familiar cycles of events. Those familiar modes of making sense out of the chaos of change and the passage of time serve not at all. Rather, Israel lives in accord with an enduring paradigm that knows neither past, present, nor future. Appealing to a world of timeless myth, that Judaism accounts for how things are not by appeal to what was and what will be, but by invoking the criterion of what characterizes the authentic and true being of Israel, an idea or ideal defined by the written Torah and imposed upon the chaos of time and change. The pattern that controls recapitulates, without regard to time or change, the paradigmatic lives of the patriarchs and matriarchs, so that a single set of patterns governs. Here history gives way to not eternity but permanence, the rules of the paradigm telling us not how to make sense of what was or how to predict what will be, but only what it is that counts. It goes without saying that Rabbinic literature contains neither sustained historical narrative nor its personal counterpart, biography, because it proposes to set forth the structure and meaning of Israel's social order in other than historical terms.

In the context of a Judaism what is at stake in all explanation, whether historical or paradigmatic, is the same thing, namely, accounting for the here and now of "Israel," that social entity that a particular group of Jews conceives itself to constitute. Now "Israel's" existence may be explained in diverse ways. It is a group of people that has come about through a series of events, progressing through time and through its actions in relationship to God writing a history for itself. So to be "Israel" means, to have come from somewhere and to be en route to some other place, and to explain this "Israel" we tell the story of the journey. People then may join the trip, take up the burden of history and assume the hope for the future destination as well. Shared memory (fabricated or otherwise) forms the medium for the social message.

Paradigmatic thinking defines and explains "Israel" in a differ-

ent way.[7] To be "Israel" means to conform to a pattern of actions and attitudes set forth for all time and without distinction in time. That pattern, or paradigm, comes to definition in the lives of the patriarchs and matriarchs. It is then recapitulated in a social world that knows not change but conformity to paradigm. Since the paradigm endures, we explain happenings by appeal to its rules, and the event is not what is singular and distinctive but what conforms to the rule: we notice what is like the paradigm, not what diverges from it. To the paradigm matters of memory and hope prove monumentally irrelevant, because they explain nothing, making distinctions that stand for no important differences at all.

When we want to explain what it means to be "Israel," therefore, we appeal to not time and change but eternity and permanence. Or rather, the conception of the category, time—what is measured by the passage of the sun and moon in relationship to events here on earth—altogether loses standing. In place of distinguishing happenings through the confluence of time, measured by the passage of the sun and moon, and event, distinguished by specificity and particularity, paradigmatic thinking takes another route. It finds an event in what conforms to the paradigm, what is meaningful in what confirms it. In our own setting, we make the distinction that operates here when we speak of nominalism as against realism, or the humanities as against the social sciences, or the individual and singular as against the general and the uniform, or the exception as against the rule. How these various modes of making sense of the social order pertain here is now clear. In historical thinking we ask the distinctive event and its consequences out of the past to deliver its meaning to the present and message concerning the future: if this, then that. In paradigmatic thinking we examine the norms for an account of how things ought to be, finding the rule that tells us how things really are. Then past, present, future differentiate not at all, the pattern of an eternal present taking over to make sense of the social order.

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[7] On the negotiability, the systemic particularity, of "Israel" or the concept of Israel, see my *Judaism and its Social Metaphors. Israel in the History of Jewish Thought*. N.Y., 1988: Cambridge University Press, and now, also, Philip R. Davies, *In Search of Ancient Israel* (Sheffield, 1993: Journal for the Study of the Old Testament Supplement Series 148). Davies is now moving beyond the positions outlined in my book.

and particular life, all prove useless. In their place come the categories defined by the actions and attitudes of paradigmatic persons, Abraham and Sarah, for instance, or paradigmatic places, the Temple, or paradigmatic occasions, holy time, for instance. We identify a happening not by its consequence ("historical") but by its conformity to the appropriate paradigm. We classify events in accord with their paradigms as not past, present, or future, therefore, because to the indicators of eventfulness—what marks a happening as eventful or noteworthy—time and change, by definition, have no bearing at all. Great empires do not make history; they fit a pattern.

What they do does not designate an event, it merely provides a datum for classification within the pattern. To this way of thinking, apocalypse, with its appeal to symbol to represent vast forces on earth, makes its contribution; but paradigmatic and apocalyptic thinking about Israel's social being scarcely intersect. The paradigmatic excludes the historical, the indicative, the categorical pattern, the possibility of noteworthy change. Matters are just the opposite, indeed: paradigmatic thinking accommodates historical thinking not at all, since the beginning of history, in the notion of the pastness of the past, contradicts the generative conception of the paradigm: the very paradigmatic character of the happening that bears meaning.

In that context, therefore, the governing categories speak of not time and change, movement and direction, but the recapitulation of a given pattern, the repetition of the received paradigm. Being then moves from the one-time, the concrete, the linear and accumulative, to the recurrent, the mythic, and the repetitive: from the historical to the paradigmatic. These modes of identifying a happening as consequential and eventful then admit no past or present or future subject to differentiation and prognostication, respectively. Time therefore bears no meaning, nor the passage of time, consequence. If, therefore, the historical mode of organizing shared experience into events forming patterns, its identification of events as unique and persons as noteworthy, of memory as the medium for seeking meaning, and narrative as the medium for spelling it out, paradigmatic thinking will dictate a different mode of culture.

It is one in which shared experience takes on meaning when the received paradigms of behavior and the interpretation of the consequence of behavior come to realization once again: the paradigm recapitulated is the paradigm confirmed. What takes place that is identified as noteworthy becomes remarkable because today conforms

to yesterday and provokes, too, tomorrow's recapitulation as well. We notice not the unlike—the singular event—but the like, not what calls into question the ancient pattern but what reviews and confirms it. If, then, we wish to make sense of who we are, we ask not where we come from or where we are heading, but whom we resemble, and into which classification of persons or events we fit or what happens appears to repeat. The social order then finds its explanation in its resemblances, the likenesses and the unlikenesses of persons and happenings alike.

Let me make this point concrete. The meaning of shared experience, such as history sets forth in its categories of past, present, future, and teleology through narrative of particular events or through biography of singular lives, emerges in a different way altogether. In the formulation of the social order through paradigm, past, present, future, the conception of time in general, set forth distinctions that by definition make no difference. Events contradict the paradigm; what is particular bears no sense. Then remarkable happenings, formed into teleology through history-writing, or noteworthy persons' lives, formed into memorable cases through biography, no longer serve as the media of making a statement bearing intelligible, cultural consequence.

Paradigmatic thinking is never generalized; it is a mode of thought that is just as specific to the case as is theological thinking in the historical medium. Specific paradigms come into play. They define the criteria for the selection as consequential and noteworthy of some happenings but not others. They further dictate the way to think about remarkable happenings, events, so as to yield sense concerning them. They tell people that one thing bears meaning, while another does not, and they further instruct people on the self-evident meaning to be imputed to that which is deemed consequential. The paradigms are fully as social in their dimensions, entirely as encompassing in their outreach, as historical categories. We deal not with the paradigms of universal, individual life, taking the place of those of particular, social existence, such as history, with its unique, one-time, sequential and linear events, posits. The result of paradigmatic thinking is no different from that of the historical kind.

For before us is not a random sequence of entirely personal recapitulations of universal experiences, for instance, birth, maturing, marriage, love, and death; these modes of permanence in change, these personal paradigms that form a counterpoint to one-time, public

moments play no role in the formation of what endures, whether past, whether past, whether future, in the eternal now. The definition of the consequential, permanent paradigms that replace the conception of history altogether will emerge in due course. At the outset what is at stake must be clear. The shift from historical to paradigmatic thinking represents a movement from one kind of thinking about the social order to another kind. The particularity of history finds its counterpart in the particularity of the paradigm of thought.

This leads directly to the kind of thinking—paradigmatic, ahistorical, and I claim, utterly anti-historical and dismissive of particularities of time or circumstance but rather philosophical and generalizing—that characterizes Rabbinic writing. Here, the past is present, the present is past, and time contains no delineative future tense at all; eschatological teleology gives way to paradigmatic teleology, and—it goes without saying—biography abdicates in favor of highly selective paradigms of exemplarity in the lives of persons, events to patterns. Sustained narrative is abandoned because it is irrelevant; biography, because it is filled with useless information. The concept of organizing the facts (real or fabricated) of the social world of Israel into history as the story of the life and times of Israel, past, present, and future, is succeeded by the concept of organizing the received and now perceived fasts of the social world of Israel into the enduring paradigm in which past, present, and future fuse into an eternal now. The final chapter asks how the two versions of Israel's reality, the historical and the paradigmatic, come together. That question, deriving from the Judaism that is under study here, is necessary to an understanding of the theology of the Judaism of the dual Torah, which obviously recognized what we for our part see, and of necessity asked about the complementarity and cogency of the two parts of the single Torah.

At the outset a few general observations suffice. When recapitulative paradigms of meaning obliterate all lines between past, present, and future, so that the past forms a permanent presence among the living, and the present recapitulates the paradigm of the past, the conception of history, with a beginning, middle, and end, a linear and cumulative sequence of distinct and individual events, is lost. And writing too changes in character, for with the loss of historical thinking perish three kinds of writing. These are, first, narrative, the

tale of a singular past leading to present and pointing toward the future, the concretization therefore of teleology. The second kind of writing is biography, the notion of an individual and particular life, also with its beginning, middle, and end. The third is formulation of events as unique, with close study of the lessons to be derived from happenings of a singular character.

And the loss of these three types of writing, commonplace in the standard history, Genesis through Kings, of the Hebrew Scriptures, signals a shift in categories, from the category of history, resting on the notion of time as a taxonomic indicator, to a different category altogether. For the concept of history generates its conception of time, made concrete through the writing of narrative and biography, the formulation of things that have taken place into the formation of consequential, singular events, comparable to the identification of particular persons as events of consequence, worthy of preservation; time starts somewhere and leads to a goal, and lives begin, come to a climax, and conclude as well.

With the end of linear, cumulative, and teleological-historical thinking, the realization of history in narrative, event, and biography loses currency. Narrative strings together one time events into meaningful patterns, with a beginning, middle, and end; that is the medium of history, and that medium bears history's self-evident messages (whatever they may be). Biography then does for individuals what narrative accomplishes for remarkable moments in the existence of the social entity; the narrative takes its measure in different dimensions, but the mode of thought is identical, and the medium for explanation the same. So too the conception of time, that is, a sequence of distinct moments, whether cyclical, following a pattern of recurrence, or linear, pursuing a single line from start to finish, also loses all self-evidence. In place, the passage of the fixed stars and planets, the moon and sun, cease to mark off ages and signify periods in human events—this year, this event, next year, that event—and instead measure something else altogether. Just as the passage of a person's life from birth to death takes place outside of historical, that is, public, shared, eventful time, only rarely intersecting with the historical and the consequential, so the paradigms marked off something other than the cumulative passing of public time, or of any time that people ordinarily would measure at all.

A religion that organizes experience by appeal to enduring paradigms, transcending time by discovering the present in the past,

the past in the present, in a process that is reciprocal, will find no more use for memory than it assigns to the concept of "history." Memory matters only to those who organize affairs historically; the barrier between present and past removed, memory is assigned no task at all. Once people mark time nature's way, history's insistence on difference between now and then makes no sense. Other questions take priority: identifying the pattern, whether in large things or in small, without reference to scale, but with acute interest in the model or the pattern replicated in no special context. As we noted, once we are obligated to see ourselves as if we were not now but then, not here but somewhere else, paradigmatic thinking takes over; and as soon as the subjunctive that expresses a state contrary to fact or condition falls away, so that the "as if" loses its taxonomic power, the paradigm takes over and excludes all considerations of historical specificity: now, not then, but like then. Rabbinic Judaism celebrated Purim not once but many times, not there in particular but everywhere Israel outlived its enemies. This it did not through a process of spiritualization, nor, yet, through rites of reenactment. Rather, the here and now took over the then and there, and also was taken over by the other place, the other time. Without regard to considerations of scale, the same model applied, to give meaning and depth to incident.

4. Yerushalmi's *Zakhor* Revisited: Is Rabbinic Judaism a Religion of Memory?

Yosef Hayim Yerushalmi, formulating "a number of issues concerning the place of historiography within Jewish civilization generally,"[8] alleges that "...memory of the past was always a central component of Jewish experience."[9] Yerushalmi leaves no doubt that he means history, and his criterion for the presence or absence of history, or what we should prefer, less pretentiously, to call simply "historical thinking," derives from the writing of narrative history and its surrogates or the absence of that writing. As we have seen, that characterization of "Jewish experience" certainly contradicts sages' reading of the matter.

Yerushalmi quite properly asks about how people wrote history

[8] Yerushalmi, *Zakhor,* p. xiii.
[9] Yerushalmi, p. xiv.

or why they did not do so, and, it follows, he takes for granted the normative status of that barrier between past and present that to begin with marks the presence of his "history" (inclusive of "memory") and my "historical thinking." It is specifically to Rabbinic Judaism that Yerushalmi devotes part of his initial formulation, which he calls, "Biblical and Rabbinic Foundations: Meaning in History, Memory, and the Writing of History."[10] In Scripture, "meaning in history, memory of the past, and the writing of history...are linked...overlap...are held together in a web of delicate and reciprocal relationships. In post-biblical Judaism...they pull asunder."[11] Specifically, "Unlike the biblical writers the rabbis seem to play with Time as though with an accordion, expanding and collapsing it at will. Where historical specificity is a hallmark of the biblical narratives, here that acute biblical sense of time and place often gives way to rampant and seemingly unselfconscious anachronism."[12] Anachronism by itself, Yerushalmi admits, need not exclude from the category of historical writing the reformulations of Scriptural stories in the Rabbinic compilations. But even though the rabbis did not write the history of times beyond Scripture's or try to preserve events in their own day,[13] Yerushalmi argues, rabbis still were interested in history:

> For them, history was no less meaningful, their God no less the ultimate arbiter of historical destinies, their messianic hope no less fervent and absolute...If the rabbis, wise men who had inherited a powerful historical tradition, were no longer interested in history, this indicates nothing more than that they felt no need to cultivate it. Perhaps they already knew of history what they needed to know. Perhaps they were even wary of it.[14]

Yerushalmi therefore has to confront the enormous exception to his rule: the sages whose documents mediated Scripture to Judaism through the processes of Midrash did not write any history. His thesis requires the opposite; *zakhor*, remember, for him, is the key-word for Judaism, and he even alleges that the ethnic group imposes historical consciousness upon all its members. He has therefore either to

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[10] Yerushalmi, pp. 1-27.
[11] Yerushalmi, p. 14.
[12] Yerushalmi, p. 17.
[13] Yerushalmi, p. 20.
[14] Yerushalmi, p. 21

explain, or explain away, the fact that the principal documents of Judaism attest to a conception of history that can in no way be characterized as historical.

If sages did not write history but thought historically, then Yerushalmi's repeated allegation that sages knew of history what they needed to know would bear some plausibility. But, sages did not think historically; the rules of the ordering of data and explaining them that govern in Scripture-history do not apply in Rabbinic literature. That means that Yerushalmi's characterization misses the point, because the character of the data is misrepresented. Sages did not write history because they wrote something else. That is because to begin with they did not think historically—defined by Scripture's own indicative marks of historical thinking. Rather, they thought in another way altogether, the paradigmatic way. And the way of paradigm, model, or pattern excludes the way of history; it does not accommodate historical thinking but contradicts that mode of thought at its indicative premises and generative problematic alike.

Yerushalmi knows his facts and identifies the paradigmatic mode of thought. I underline language critical to what follows:

> For the rabbis the Bible was not only a repository of <u>past history</u> but a <u>revealed pattern of the whole of history</u>, and they had learned their scriptures well. They knew that history has a purpose, the establishment of the kingdom of God on earth, and that the Jewish people has a central role to play in the process. They were convinced that the covenant between God and Israel was eternal...<u>Above all, they had learned from the Bible that the true pulse of history often beat beneath its manifest surfaces, an invisible history that was more real than what the world...could recognize...</u>.Ironically, the very absence of historical writing among the rabbis may itself have been due in good measure to their total and unqualified absorption of the biblical interpretation of history. In its ensemble, the biblical record seemed capable of illuminating every further historical contingency. No fundamentally new conception of history had to be forced in order to accommodate Rome...[15]

The underlined words prove jarring; once we speak of "not only...past history," we invoke the conception of a barrier between past and present; but then the language of "pattern of the whole of history" tears down any such barrier. The further underlined language,

[15] Yerushalmi, p. pp. 21-2.

beginning with "above all," once more signals the presence of an other-than-historical, temporal, linear, sequential conception of time and rationalization of events.

What is remarkable is that in stating the results of paradigmatic thinking, Yerushalmi did not recognize the ahistorical, atemporal character of his statement. Once Scripture contains not the record of the past but the pattern of all time, Scripture is no longer read as a historical work at all. The following statement is important because it shows that Yerushalmi takes for granted precisely those minimal indicators of historical thinking that I identified at the outset and demonstrated definitive in the Scripture's Official History:

> The biblical past was known, the messianic future assured; the in-between-time was obscure. Then as now, history did not validate itself and reveal its meaning imminently...They obviously felt they had all the history they required...[16]

Any claim that I have imputed to Yerushalmi a mode of thought he does not, in fact, utilize—the historical one— is excluded by the statement at hand, which articulately recognizes the boundaries that separate between past, present, and future. The "in-between" between past and future corresponds to that sense of the present and its difference from past and future that defines the first requirement of historical thinking.

In light of these observations, Yerushalmi's final allegation proves beyond all comprehension. He alleges that while sages did not write history, they continued to think historically, or, in his language, "belief in the meaning of history remained." At one and the same time he recognizes that sages' modes of thought were ahistorical. But he does not then explain what these same modes of thought produced in place of the historical ones:

> ...in rabbinic Judaism...historiography came to a long halt even while belief in the meaning of history remained. We can freely concede...that much in the rabbinic...heritage inculcated patterns and habits of thought in later generations that were...if not anti-historical, then ahistorical.[17]

Not able to explain matters, Yerushalmi finally alleges that the facts he has recognized in fact did not matter; he insists that the distinc-

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[16] Yerushalmi, p. 24.
[17] Yerushalmi, p. 25-26.

tion that he has drawn, between historical and ahistorical thinking, simply makes no difference, and made no difference:

> Yet these factors did not inhibit the transmission of a vital Jewish past from one generation to the next, and Judaism neither lost its link to history nor its fundamentally historical orientation.[18]

Yerushalmi claims that sages' ahistorical thinking did not "inhibit the transmission of a vital Jewish past." But what sages handed on was a paradigm that ignored most of the "Jewish past" altogether, including the sages' own past; its paradigmatic quality passed the bounds or selectivity in historical narrative; its episodic character denied the very continuity that forms the premise of all narrative; the Judaism of sages acknowledged no connection to the kind of writing Yerushalmi has in mind as "history," and it is not historical in orientation but, in its rejection of the premises of historical thinking—the difference between present and past, the coherence of events in narrative—nothing short of anti-historical in fundamental character.

Sages handed on no record of their own part of this supposedly "vital Jewish past." They left the generation no history of their own day; their tangential allusions to events permit us to understand nothing of the consequential history of their time. A simple comparison of Josephus's writings to any Rabbinic document tells the story; if the one is history, the other is not. If the one transmitted a "vital Jewish past" to coming generations, the other did not do so. If the Judaism of the one exhibits tight links to history and evinces a fundamentally historical orientation, the other simply did not. Yerushalmi's allegation here not only ignores his own correct understanding of the main traits of Rabbinic writing, he also contradicts his own findings. For Yerushalmi knows full well that sages did not add a chapter to the Jewish past, one that recorded what happened in their own day. Even though Rabbinic literature utilizes materials that appear, nearly verbatim, in Josephus's histories and have been shown to recapitulate and depend upon Josephus's formulations, being incomprehensible without point-by-point review in Josephus's counterpart formulation,[19] sages did not preserve Josephus's writings or any other historical documents; they did not make

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[18] Yerushalmi, p. 25-26.

[19] I showed this in my *The Rabbinic Traditions about the Pharisees before 70*. Leiden, 1971: Brill. III. *The Rabbinic Traditions about the Pharisees before 70. Conclusion.*

chronicles; they did not preserve records of the past. Indeed, out of sages' records, we could not write a history of the Jews in late antiquity.

Take one enormous event for example: Julian's edict permitting the Jews to rebuild the Temple, ca. 360. We know, as a matter of fact, the story of what happened. We also know that the failure to rebuild the Temple was broadly known and entered into the Christian polemic against Judaism, for a quarter of a century later, John Chrysostom (among many) pointed to the fiasco as evidence that the Temple would never be rebuilt, the Jews would never regain their self-government in Jerusalem. But a thorough examination of Rabbinic literature of the fifth through seventh centuries, encompassing both Talmuds and many of the largest and most powerful Midrash-compilations, yields no narrative of events, nothing more than the possibility of a veiled allusion, or inchoate response, to that amazing calamity. And that is only one example among many, contradicting Yerushalmi's groundless claim that "these facts did not inhibit the transmission of a vital Jewish past." Sages transmitted nothing of the kind, if in that "vital Jewish past" was supposed to be encompassed the chapter of their own life and times.

The opposite is the case. Sages in fact left accounts of events of their own day—out of which no sustained historical narrative is to be constructed. They provided anecdotes of lives—but neither biography nor even the raw materials thereof. They set forth episodes—but no intelligible sequences, stories—but nothing approaching a continuous narrative. They persistently represented the present within the framework of the past, not only the past within the setting of the present, and that constitutes a far more gross offense against historical thinking than mere anachronism. Bringing the past into the present means denying the pastness of the past, and that, in turn, represents not the absence of history but the repudiation of its generative premise. What sages transmitted was an account of a "vital Jewish present," one that in no way acknowledged the pastness of the past or the autonomy, either, of the present moment but insisted upon their fusion.

Had sages wished to deliver the statement that they acknowledged as worthy of transmission to the future no "vital Jewish past" at all, what they did not address would have provided ample evidence of that fact. Most of the turning points in contemporary history, e.g., the war of Bar Kokhba, the rise of Christianity to the position of

the state-religion of Rome, the world-historical significance of Sasanian Iran, counter-weight to Rome, and the meaning, for the Jews, of Iranian hegemony—none of these enormous and formative facts of life could have been reconstructed out of the Rabbinic writings. Out of the Rabbinic literature we should know nothing at all about Rome and Iran, and little enough about Israel beyond the framework of sages' own circles and circumstances. What can Yerushalmi possibly imagine that "transmission of a vital Jewish past" to have comprised, in face of these simple and well-known facts? He chooses to ignore them, and he prefers to utilize rhetoric to cover over the evidence of what is in fact a gross misrepresentation of the facts. Out of those same documents we cannot even write a history of the Jews' institutions, nor can we explain the archaeological records of the synagogues by appeal to what sages have to say about them. So of precisely what components did this "vital Jewish past" consist, that sages are alleged to have handed on as "link to history"? And what evidence, out of paradigmatic writings, permits us to claim that sages persisted in a "fundamentally historical orientation"? Since Yerushalmi is explicit about what he means by a historical orientation, we may answer very simply: by his criteria of historical thinking and writing, sages in no way exhibited a "fundamentally historical orientation."

6. Why Rabbinic-Paradigmatic Succeeded Biblical-Historical Thinking in Judaism

Since, we have seen, the sages of ancient Judaism subverted the historical thinking they inherited and substituted for it an altogether different kind, recasting the essential of history, the definition of time, in anti-historical terms, we have to wonder how and why sages whose minds were shaped in Scripture and whose souls were cast in its models utterly rejected what Scripture clearly said—and said to other Jews—and substituted modes of thought and patterns of reading of a kind quite alien to the written part of revelation. In the Rabbinic documents we have sustained and systematic thought that shows an alternative to history as a mode of accounting for how things are; that treats as null the most fundamental datum of the historical thinking to which we are accustomed; and that served Judaism (and Christianity) for nearly the whole of its history. If I had to explain why paradigmatic rather than historical thinking predominated, I

should have to revert to that very mode of explanation, the historical and contextual, that Scripture set forth but the Talmudic sages abandoned. Precisely where and when, in the context of Israel's life, did historical thinking emerge? With the answer to that question in hand, we proceed to take up the issue that confronts us.

First, whence the source of the sense of separation of present from past? To answer that question (which is a historical one), we turn to the setting in which, in Israel, history first was set down in a sustained narrative about times past. The Official History of ancient Israel set forth by Genesis through Kings recognizes the pastness of the past and explains how the past has led to the present. That Official, Authorized, or Primary History, came to literary formulation (whatever the state of the facts contained therein) in the aftermath of the destruction of the first Temple of Jerusalem, in 586. Faced with decisive closure, looking backward from the perspective of a radically different present, the thinkers who in ca 565 B.C. put together the Primary History took up two complementary premises, the definitive pastness of the past, its utter closure and separation from the present, and, alongside, the power of the past to explain the present and of its lessons, properly learned, to shape the future.

The historical thinking that produced the Authorized History took place at a very specific time and responded to an acute and urgent question by taking account of the facts of the moment. An age had come to a conclusion; the present drastically differed from the now-closed past. History might begin, the sense of closure having taken hold. Since, all scholarship concurs, the Official or Primary History represented by Genesis through Kings came to closure at just this time, the allegation that historical thinking in Israel in particular reaches literary expression in the aftermath of the catastrophe of 586 rests upon solid foundations. Here is when people wrote history-books; here is why they wrote them; here, therefore, is the circumstance in which, for Israel, historical thinking took place.

In this context, Brevard Childs observes that, in ancient Israel, historical thinking begins with a sense of separation of present from past:

> Actualization is the process by which a past event is contemporized for a generation removed in time and space from the original event. When later Israel responded to the continuing imperative of her tradition through her memory, that moment in historical time likewise became an Exodus experience. Not in the sense that later Israel again

> crossed the Red Sea. This was an irreversible, once-for-all event. Rather, Israel entered the same redemptive reality of the Exodus generation. later Israel, removed in time and space from the original event, yet still in time and space, found in her tradition a means of transforming her history into redemptive history. Because the quality of time was the same, the barrier of chronological separation was overcome.[20]

It would be difficult to imagine a more concise statement of the religious experience of the historical mode of organizing matters than Childs's, since he touches on every element critical to the description of history—the pastness of the past, the singularity and irreversibility of events, but also the power of events in times past to affect the present moment and to effect change therein. The touchstone, then, is simple: that sense of separation that precipitates the quest for reconciliation, restoration, renewal of relationship. The advent of historical thinking and writing became possible precisely when great events from the past receded over the last horizon, and those responsible for the books at hand recognized a separation from those events and so produced a history of how things had reached their present pass. The sages of ancient Judaism, however, evinced no sense of separation that precipitates the quest for reconciliation, restoration, renewal of relationship between now and then; therefore they thought in a different manner about the same events. That is the starting point of matters, and it also brings us to a conclusion: why did they think in a different way, what, in particular, led them to this other mode of thought?

How come an event has been turned into a series, what happened once into something that happens. The answer, of course, lies in the correspondence (real or imagined) of the two generative events sages found definitive: the destruction of the Temple, the destruction of the Temple—586, 70, respectively. The singular event that framed their consciousness recapitulated what had already occurred. For they confronted a Temple in ruins, and, in the defining event of the age just preceding the composition of most of the documents surveyed here, they found quite plausible the notion that the past was a formidable presence in the contemporary world. And having lived through events that they could plausibly discover in Scripture—Lamentations for one example, Jeremiah another—they also found

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[20] Brevard S. Childs, *Myth and Reality in the Old Testament* (London, 1960: SCM Press), p. 85.

entirely natural the notion that the past took place in the present as well.

When we speak of the pastness of the present, we describe the consciousness of people who could open Scripture and find themselves right there, in its record—but not only Lamentations, but also prophecy, and, especially, in the books of the Torah. Here we deal with not the spiritualization of Scripture, but with the acutely contemporary and immediate realization of Scripture: once again, as then; Scripture in the present day, the present day in Scripture. That is why it was possible for sages to formulate out of Scripture a paradigm that imposed structure and order upon the world that they themselves encountered. Since, then, sages did not see themselves as removed in time and space from the generative events to which they referred the experience of the here and now, they also had no need to make the past contemporary. If as Childs insists, the Exodus was irreversible, once for all time event, then, as we see, the Talmudic sages saw matters in a different way altogether. They neither relived nor transformed one-time historical events, for they found another way to overcome the barrier of chronological separation. Specifically, if history began when the gap between present and past shaped consciousness, then we naturally ask ourselves whether the point at which historical modes of thought concluded and a different mode of thought took over produced an opposite consciousness from the historical one: not cycle but paradigm. For, it seems to me clear, the premise that time and space separated the Talmudic sages of the Rabbinic writings from the great events of the past simply did not win attention. The opposite premise defined matters: barriers of space and time in no way separated sages from great events, the great events of the past enduring for all time. How then are we to account for this remarkably different way of encounter, experience, and, consequently, explanation? The answer has already been adumbrated.

For the sages of ancient Judaism, the destruction of the Temple in 70 did not mark a break with the past, such as it had for their predecessors some five hundred years earlier, *but rather a recapitulation of the past.* Paradigmatic thinking then began in that very event that precipitated thought about history to begin with, the end of the old order. But paradigm replaced history because what had taken place the first time as unique and unprecedented took place the second time in precisely the same pattern and therefore formed of

an episode a series. Paradigmatic thinking replaced historical when history as an account of one-time, irreversible, unique events, arranged in linear sequence and pointing toward a teleological conclusion, lost all plausibility. If the first time around, history—with the past marked off from the present, events arranged in linear sequence, narrative of a sustained character serving as the medium of thought—provided the medium for making sense of matters, then the second time around, history lost all currency.

Scripture, its history subverted, nonetheless defined how matters were to be understood. Viewed whole, the Official History indeed defined the paradigm of Israel's existence, formed out of the components of Eden and the Land, Adam and Israel, Sinai, then given movement through Israel's responsibility to the covenant and Israel's adherence to, or violation, of God's will, fully exposed in the Torah that marked the covenant of Sinai. Scripture laid matters out, and the Talmudic sages then drew conclusions from that lay-out that conformed to their experience. So the second destruction precipitated thinking about paradigms of Israel's life, such as came to full exposure in the thinking behind the Midrash-compilations we have surveyed. The episode made into a series, sages' paradigmatic thinking asked of Scripture different questions from the historical ones of 586 because the Talmudic sages brought to Scripture different premises; drew from Scripture different conclusions. But in point of fact, not a single paradigm set forth by sages can be distinguished in any important component from the counterpart in Scripture, not Eden and Adam in comparison to the land of Israel and Israel, and not the tale of Israel's experience in the spinning out of the tension between the word of God and the will of Israel. Predictably, therefore, the only history the Talmudic sages deem worth narrating—and not in sustained narrative even then—is the story of the Temple cult through days and months and years, and the history of the Temple and its priesthood and administration through time and into eternity. It is because, to begin with, the very conception of paradigmatic thinking as against the historical kind took shape in deep reflection on the meaning of events: what happened before has happened again—to the Temple. Yerushalmi has utterly missed the point of the matter of how heirs of a theological tradition in historical form revised that heritage and produced theology in paradigmatic form, which, as a matter of fact, better suits the task at hand.

CHAPTER SEVEN

HISTORY AND PURITY IN FIRST-CENTURY JUDAISM

Purity in Stasis: The Foundations of the Mishnaic System of Cleanness

When we reduce to their most fundamental propositions the sayings in Mishnah-Tosefta attributed to the document's earliest-named authorities or those serving as presuppositions to such sayings, we come upon a complete system of uncleanness.[1] Each principal component of such a system—a definition first, of the sources of uncleanness; second, of the circumstances, or places, or times at which uncleanness is affective; and third, of the modes by which uncleanness is removed and purification attained—is in place by the turn of the first century A.D. This Mishnaic[2] system, I shall now explain, is in exquisite stasis, resting upon eternally recurrent natural forces, and, at its essence, is above the realm of historical event and action. What is unclean is abnormal and disruptive of the economy of nature, and what is clean is normal and constitutive of the economy and the wholeness of nature. The hermeneutic route to that conception is to be located, to begin with, in the way in which what is unclean is restored to a condition of cleanness. It is restored through the activity of nature—unimpeded by human intervention in removing the uncleanness—through the natural force of water collected in its original state. Accordingly, if to be clean is normal, then it is that state of normality that is restored by natural processes themselves. It follows from the exegetical fulcrum of purification that to be unclean is abnormal and is the result of unnatural processes. The first of these is death, which disturbs the house of life by releasing, in quest of a new house, corpse uncleanness, to be defined as that which is released by death. Corpse uncleanness may be contained

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[1] This work is done in detail in my *History of the Mishnaic law of Purity*, vol. 22, *The Mishnaic System of Uncleanness: Its Content and History* (Leiden, 1977). A few of the results of the study, as they pertain to the first century A.D., are summarized here.

[2] I refer to the system as *Mishnaic* because it is ultimately preserved, with complications and expansions, in Mishnah. There is reason to claim the system to be Pharisaic in origin.

in a tent, which is a small enclosed space, or, as we see in later strata, in a broken utensil. Once corpse uncleanness finds that new home, its capacity for contamination ends. The second are menstrual blood, flux of blood outside of the menstrual cycle, and a flow from the penis outside of the normal reproductive process. Here too the source of the uncleanness, in the case of the Zabah and the Zab, most certainly is constituted by that which functions contrary to nature or which disrupts what is deemed to be the normal course of nature. The bed and the table are to be so preserved as to remain within the normal lines of the natural economy. It follows that cleanness of the table is to be attained and protected, with regard to both the food which is consumed thereon and to the utensils used in preparing and serving it. The former is defined, of course, along lines of what is acceptable to the cult. The latter matter is developed out of pertinent passages of Scripture and these verses are interpreted in such a way as to serve the system as a whole. Specifically, what is ordinary, useful, distinctive to a given purpose, and normal is deemed susceptible to uncleanness and must therefore be kept apart from those things which, for their own reasons, are deemed extraordinary and abnormal. If such an object then is made unclean, it must be restored to cleanness through natural processes. Food and drink, by contrast, fall outside of the system of purification; no provision is made for them.

The system takes shape, therefore, through the confluence and contrast of opposites perpetually moving from the one side to the other—from the clean to the unclean, from the unclean to the clean. It is remarkably stable and unchanging. Death happens constantly. Water flows regularly from heaven to earth. The source of menstrual uncleanness is as regular as the rain. And the similar uncleanness of the Zab and Zabah through analogy attains regularity through that same source. Meals happen day by day, and if, for the Israelite within the system, the table is a regular resort, so too is the bed. The system therefore creates an unchanging rhythm of its own. It is based on recurrent natural sources of uncleanness and perpetual sources of cleanness, and it focuses upon the loci of ordinary life in which people, whatever else they do, invariably and always are going to be engaged: nourishment and reproduction—*the sustenance of life and the creation of life.*

There is scarcely room for history, which above all is disruptive and disintegrative. Only when the symbolic perfection of the cult's

perpetuity is shattered by events will a place have to be made for history. But at that point the cultic system, including uncleanness, is made subordinate to some other system and no longer serves as the principal focus and pivot of the system. Then uncleanness and all that goes with it become conditions for the expression of some further, now deeper, ontology, rather than the a priori ontological and mythopoeic reality. History, in the form of perceived disruption of the Temple. whether through destruction and cessation of the cult at Jerusalem or through the conviction of the cult's desecration by its own practitioners, transforms what is primary and uncontingent into something contingent and secondary. Some systemic element in the available symbolic repertoire other than Temple and cult, for instance, Land and People, comes to the center. The Essenes of Qumran, seeing themselves as the new Temple, accomplish a subtle shift in that their community locates itself at the center, from which the cultic metaphor flows. They are not merely *like* the Temple. Since uncleanness can effect exclusion from the community, that community itself forms the metaphorical crux. The real, this-worldly cult, including conditions for this conduct in cleanness, moves to the periphery. Then the focus of the lines of structure shifts. Uncleanness will be made to bear other meanings (for example, societal ones) and will be forced to define something other than the terms of exclusion from the concrete holy Temple. In this regard the shift comes even at Qumran, for there cleanness is definitive of admission to the commune; uncleanness, of exclusion.[3] When we ask about the role of history in the system of uncleanness at the foundation of the Mishnaic law, this fact will assume importance.

The argument, that at the core of the system is the conviction that what is normal is clean and what is abnormal or disruptive is unclean, is powerfully supported by the convictions of the Priestly Code on why Israel should keep clean and normally is clean. It is because the opposite of *unclean* is *holy*. Israel's natural condition, pertinent to the three dimensions of life—Land, people, and cult—is holiness. God's people is to be like God in order to have ultimate access to

[3] The point here is that if one disobeys the social regulations of the Essene community at Qumran, he is declared effectively unclean and excluded from the right to touch the pure things of the community. It follows that the community is now deemed *equivalent* to the cult, not merely *like* the cult (see my *Idea of Purity in Ancient Judaism* [Leiden, 1973], pp. 53-54, 67-68, 80-82).

him. Accordingly, it is what causes Israel to cease to be holy, in the present context uncleanness, which is abnormal, and, to state the reverse, what is abnormal is unclean. Cleanness thus is a this-worldly expression of the mythic conception of the holiness and the set-apartness of all three—people, Land, and cult. By keeping oneself apart from what affects and afflicts other lands, peoples, and cults ("the Canaanites who were here before you"), the Israelite attains that separateness which is expressive of holiness and reaches the holiness which is definitive also of the natural condition of Israel. The processes of nature correspond to those of supernature, restoring in this world the datum to which this world corresponds. The disruptive sources of uncleanness—unclean foods and dead creeping things, persons who depart from their natural condition in sexual and reproductive organs (or, later on, in their skin condition and physical appearance), and the corpse—all of these affect Israel and necessitate restorative natural processes.

Purity Now and at the End: The Essenes' Teleological Interpretation of Purity

What is the place of the system of cleanness in the larger structure of which it is part? For the Essene community at Qumran the answer is not difficult to find. The community treated cleanness as vital at its chief group activity, the meal, because it saw itself as a sacred community assembled at a meal, the cleanness of which both expressed the holiness of the group and replicated the holiness of the Temple. Of still greater interest, cleanness is a precondition of participation in the eschatological war which loomed on the community's horizon and for which it proposed to prepare carefully, in part through perpetual cultic cleanness. After the war the soldiers were to restore their status of cleanness and that of the Jerusalem Temple, presumably because of the contamination of the corpses they would make in battle. It follows that cleanness is understood as a precondition of holiness; and holiness, of the messianic eschaton. Cleanness for the Essenes therefore constitutes not an abiding status, a permanent process outside of history. It is a necessary step in the historical process itself; the condition of the eschatological war which leads to the end of history.[4]

[4] As we note in a moment, this same notion (without the concept of an

The Essene community at Qumran, after all, conceived that a world historical event had already intruded into the realm of cleanness. Jerusalem and its Temple were hopelessly contaminated at the hands of willfully unclean people, people who had sexual relations in the Temple or the city and thereby contaminated both.[5] Accordingly, the eternal and recurrent system of cleanness *already* had been disrupted. That is, in part, why the Essene community found it necessary at a given point in time to establish a realm of holiness, and therefore of cleanness, on its own and outside of the Temple. But the original breaking of the system out of its eternal cycle once and for all time introduced into the system a historical-eschatological concern. Cleanness now is not natural to Israel but only to that segment of Israel assembled in the community. Cleanness is to be restored through the activity of that saving, pure, and purifying remnant. Provisional for now, cleanness will be made permanent only at the end of time and the conclusion of history.

The endless cycle, once removed from the eternity of the holy Temple which had been desecrated, could be restored to its perfect cyclicality only when history itself could for all time be brought to a final conclusion by the anointed Messiah and the holy warriors, at which time the holiness and cleanness of the Temple would be restored. Cleanness is a precondition of the end of days, which at the table of Qumran can be foreshadowed and adumbrated. But cleanness also, for its perfection, now depends upon the coming of the end of days. It is, therefore, an accident of history, not an element of a system essentially immune to history. Once historicized, cleanness and the system of which it is part never cease to be, not subjects and actors, but objects of social and metaphysical reality. Perfection once was and once more can be attained. But those for whom the Temple had been desecrated and was as good as destroyed conceived that what should not be subject to the vagaries of historical disaster indeed had been destroyed. It is only through the introduction, into historical processes, of the sacred community that

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eschatological war) is attributed to Pinhas b. Yair (M. Sot. 9:15). But the saying stands all by itself. I cannot find anyone else who shares his notion that cleanness leads to sanctification which leads onward and upward in the salvific ladder. As I shall point out below, one of the exceedingly difficult problems is that we have no clear notion of the role of cleanness in the eschatological theory of Pharisaism, nor, indeed, do we have a reliable picture of that theory to begin with.

[5] My sometime colleague, Yigael Yadin, phrases this matter felicitously in saying that to the Essenes the events of A.D. 70 took place long before 70.

cleanness would regain the perfect locus it had lost. In the meantime, cleanness would, at best, contingently serve as a precondition of the end and as a definition of the commune aiming at the end. The unarticulated system of the Essenes, remarkably congruent in its skeletal characteristics to that of the earliest sages of Mishnah, therefore locates cleanness within the scheme of history in the interim and not as essential to an eternally recurring cycle in an unchanging natural economy.

The Mishnaic system at its origins, by contrast, hardly leaves space for change. Its cogency and capacity to function as a system depend upon the opposite of change. We refer once more to the way in which uncleanness is removed, for that is the path into the center of the system. The system itself exhibits two fixed and static dimensions which correspond to and complement one another: nature and supernature. Omitted from the system is what is not natural but man-made. The intervention of man interrupts the process of purification and renders water incapable of effecting uncleanness. By definition, water drawn by man is unsuitable. Thus, the one point when human intervention is possible is the point which explicitly secures human exclusion from the system. Man of course does not bring about the uncleanness of the sources of uncleanness. But what the Mishnaic system at the outset chooses to say about that matter is insufficiently distinctive to produce a contrary expectation. Man is the locus of uncleanness. The ways in which human beings sustain and create life define the foci and the loci of the system. But in these matters, too, human intervention is secondary. Man cannot clean food but must choose clean food and protect its cleanness. Human beings must refrain from sexual relations at certain times. Their unnatural condition with respect to their sexual organs makes them vehicles for the imposition of uncleanness on objects they use in ordinary life—beds and chairs. That means everywhere they stand or sit or lie can be made unclean by them. But, as I said, the one point at which human volition enters the system, the choice to remove uncleanness permits no role whatsoever to the human being. A person can enter the system by inadvertence. A person cannot leave it by conscious creation of means of purification. That pair of opposites is excluded.

If human action is systematically excluded, what about the complex of human actions which constitutes history? Obviously, human beings may desecrate not only themselves, but their tables and beds,

and the cult and Temple as well. But, for the Pharisees, the Temple has not been desecrated. Everything we know about them suggests that, to the contrary, the cult is as it always was from the moment God ordained it: a locus of sanctity, a place of cleanness. So far as the cult defines the being of Israel, so long as the enduring conduct of its affairs in cleanness and holiness shapes the fundamental ontological situation of Israel, Israel—Land, cult, and people alike—is beyond history. Or, to put it differently, while things happen, history does not. The first destruction and the subsequent restoration of the Temple testify to the permanence of that system of permanent normality of which the center is the cult, the setting is the Land, the actors are the priests and people—all of them holy and set apart, above all, from history.

We simply do not know the place in history assigned to cleanness by the framers of the Mishnaic system. It is clear from the Essenes' thought on the subject that cleanness defines the group, on the one side, and sets the precondition of the groups' eschatological program, on the other. The evidence in our hands leaves not a hint at an equivalent conception in the earliest stratum of Mishnah.[6] If, to be sure, we identify the Pharisees with the framers of Mishnah, then we may expect to find a concern for the condition of the state and for the conduct of its affairs. For to begin with, the Pharisees are represented as a political party. It would and should follow that the replication of cultic cleanness at the table should bear deep meaning for the larger anticipation of the group for the conduct of affairs. For systems are one and comprehensive, and it is not possible to suppose that all that characterizes Pharisees before 70 is an interest in tithing and purity law. The Gospels' picture is of a group engaged in political activities not only in eating clean meals. Josephus' account of the earlier Pharisees is equally explicit on their politics. Accordingly, cleanness may constitute, as Pinhas b. Yair says (M. Sot. 9:15), a way station on the path to the Messianic kingdom prior to and a condition for holiness. None of this is to be gainsaid.

To ask further about the role of history in the Mishnah's primitive system of uncleanness, we return to our observation that, for the Essenes, the lines of structure delineated by uncleanness shift, along with the point of centrality, the locus of the system's interest.

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[6] To be sure, cleanness defines those who may eat together, which seems to be a fairly essential characteristic of the self-definition of Pharisaism

At the Essene community of Qumran uncleanness served to exclude and cleanness to include, therefore defining the periphery of the commune. Cleanness performed a social and sectarian function. The center from which lines of structure go forth is reached by following those lines back to the locus defined by them. It thereby becomes clear that cult is replaced at the center by society, the Essene society in particular. The cult of Jerusalem has been rejected at one specific time. From that moment what happens perpetually is made contingent upon what has happened at some point. Ontological reality now is defined not in eternal, recurrent, and unchanging patterns of being. Once something has happened, then happenings, events of the life of the commune, disrupt the old eternal patterns. The community itself perceives just that and focuses its attention on what is to come in the eschaton. It follows that the vehicle, the locus, of meaning is that one thing which moves from the old mode of permanence to the new: the community itself, which in the interim, is all there is to bear the burden of the sacred. That is why, I think, the focus of uncleanness shifts from cult which is reduced to a mere metaphor, to community which is served by, and also generative of, the said metaphor.

The Two Systems Compared

If this is a sound observation, then what do we learn about Mishnah's equivalent focus of uncleanness and the point of origin of lines of structure signified thereby in the context of history? What place is there for transience and historical movement in the earliest system of uncleanness contained within Mishnah? The answer to the question of who is excluded by uncleanness and included by cleanness must lie in exactly the same datum as has just now come under discussion. What is permitted and prohibited? We begin with the negative observation that, while in IQS one is unclean who violates the norms of the community, in early and late Mishnaic law one is unclean who is made unclean only and solely by those sources of uncleanness specified in Scripture or generated by analogy to those of Scripture. The contrast of the Essene community yields the fact that the Mishnaic system at its foundations presents no element of a societal revision of the locus of uncleanness, for there is none in the definition of the sources of uncleanness. The locus remains in the cult, where it was, but the periphery is extended to include

the table. Keeping clean does not define one's membership in a sect, so far as Mishnah is concerned. The very tight adherence in Mishnah's fundamental stratum to Scripture and its explicit rules, both by interpreting them literally (as was done at Qumran) and by exegetically expanding them by analogy—treating the table like the table of the Lord in the Temple and the bed like the bed which in Canaanite times polluted the land, shows that no shift whatsoever had taken place in the point from which the lines of structure, delineated by uncleanness, go forth. The Temple is uncontingent. The extension of the Temple's rules outside is secondary and contingent. The bed and table depend for meaning and significance upon the cult. Life is to be created and sustained in accord with the rules definitive of the world which is the center of life: the holy altar. Nothing has effected a shift in focus, from the enduring, real Temple of Jerusalem, either exclusively or even primarily to the community which keeps the cleanness laws and defines itself in terms of those laws. What is prohibited by uncleanness is entry into the Temple and analogous commensality at any table, anywhere. What is permitted is nurture and creation of human life everywhere. Israel remains whole, and uncleanness and cleanness do not effect social differentiation within it. If the law is not made to define a sect but to establish the rules by which common actions may be carried out, then for those who shape the world (in part) through the system under examination, nothing has happened to reshape the locus of the rules and disrupt their linear relationship to their enduring center. To state matters bluntly: for the Mishnaic system history has not (yet) happened.

The cult ordained by God goes on above, not through, time. For the Mishnaic system at its origins, no shift has taken place in the patterns of the lines of structure. The table and the bed are at the periphery and conduct at the one and in the other depends, as it always has, on the model by which rules of conduct are framed. Since the Temple in all its holiness endures, no other locus comes into view. The community formed by those who keep the laws in just the right way is not distinct from the world of those who do not, and indeed does not constitute a community at all, Israel remains Israel in all its full, old sense. The Land is wholly holy, not only that part of it consecrated by the life of the holy community thereon. Nothing has changed in the age-old ontology which defines being and discovers reality in order, permanence, recurrence, and the eternal, enduring

passage of time. The sacrifice still marks and differentiates the days and months and seasons and links them into a larger pattern. Time's passage depends upon it. The cult still stands at the pivot, the spatial center of the Land, still forms the nexus between heaven and earth. The people, the whole people, still performs regular and holy actions through the priesthood which is at its center. Those who then eat their meals as if they are priests know they are not priests but aspire to the priestly sanctity. They do not claim to be the new priests or the only true and right ones.

If, as seems clear, nothing has changed, then the reason is that nothing has happened. It follows that cleanness is not a condition of the eschaton, and uncleanness is not a function of history. Cleanness is attained now where it always has been attained and uncleanness now is definitive of the locus of cleanness as it has always defined the locus of cleanness. The Temple remains, depriving of consequence what happens around and outside it. If we are unable to discern either a place for history in the uncleanness law, or a role in history for that law, the reason is apt to be that there is none.

Yet it is not wholly accurate to say that nothing has happened. True, nothing has happened to deprive the Temple of its mythopoeic power and central, pivotal position. But something must have happened to draw a small group of people to the conclusions that the sanctity of the Temple is to be extended beyond its walls, on the one hand, and that the locus of the sanctity is to be their table and bed by analogy to the cult, on the other. Obviously what could have happened is that someone responded to the Priestly Code by coming to such a conclusion, which, if not innate, at least is defensible within the exegesis of Leviticus 11-15 and 18. But that too seems unlikely simply because significant shifts have taken place and important conceptions have come to the fore, giving expression for instance to modes of purification on which the Priestly Code is ambiguous. At some point the enduring character of the Temple evoked a conception of replicating the Temple's modes of sanctification in and among Israel's Land and People, just as, at some point, the unsatisfactory character of the Temple and its priesthood provoked the group which settled at Qumran to come to the same conclusion but to effect that conclusion in a diametrically opposite way. Accordingly, the structurally and systemically analogous character of the ideas on uncleanness of the two groups—the Essene community at Qumran and the people who stand at the threshold

of the development of Mishnaic law—demand the conclusion that, as for Qumran so for Mishnah, there has been an event or a personality of immense consequence. But in the latter case, that is all that we know, and it is, as I have said, only by comparison to the former.

If this theory of the character of the earliest stratum of Mishnaic thought on cleanness is sound, then over the next century from the beginning of the Mishnaic system before the first century A.D. we should find development of the given laws but no essentially new viewpoints. The generative analogy cannot shift. Creative intellectual forces can only take up and build upon what has been laid down at the outset. The point at which we should anticipate (but do not observe) major developments will be after the destruction of the Temple. Then the Pharisees' continuators in the time of Yabneh will enter into the situation of the Essenes in the age of the Temple.

I have carefully avoided specifying the time at which the Mishnaic system originated, claiming only that it is prior to the turn of the first century. It is equally important to avoid claiming to know the sort of group within which the system began. Only with grave reservations have we alluded to the Pharisees as the point of origination or even as the sect which principally stands behind the system transmitted through successive generations to the authorities of 70 and afterward. Still, I think we may specify two facts about that group within which the system as a whole takes shape.

First, like the Essene community at Qumran, the group behind Mishnah surely included a sizable number of priests. Mishnah's fundamental concerns and emphases, while different from those of the Priestly Code, fall wholly within the code's conception of what lies at the core of Israelite ontology. Moreover, the subtle and complex development of scriptural rules on transfer of uncleanness (e.g., *midras* and *maddaf*) has to have been undertaken somewhat earlier. It is likely that priests in the Temple will have had occasion to do the work more than any other group. The availability of such technical terms as *midras* surely suggests that prior to the systemic construction in which these terms and concepts are given their place, the concepts themselves had been worked out. Whether or not the group consisted mainly, or even exclusively, of priests we do not know. The probability is that it encompassed ordinary Israelites pretending to be wanting to live life as priests. But that is less clear than that it was composed of knowledgeable and experienced peo-

ple, who had a clear notion of cultic law and knew how to apply it.

Second, unlike the group at Qumran, the people whose thought supplies the foundation of Mishnah's legal development did not deem the Temple to be desecrated. They probably did not regard their table as the surrogate for the Temple, but only as a locus *analogous* to its altar. The otherness of the metaphor is preserved. The table is *like* the altar. It is not conceived either *as* a new altar, or as *equivalent* in sanctity to the old one. These two simple and indubitable facts, upon which we have reflected at length, seem to me to yield a picture of a group different in social definition from the Essenes, with a different set of concerns, to be sure expressed in terms of cleanness similar to those of the Essenes, and with a different conception of the central ontological issues of cleanness and of holiness. For them the Temple stood for an ideal to be realized outside its precincts. The cult presented a transcendent aspiration to be attained beyond its gates. Accordingly, the conceptions of the Priestly Code are grasped in all of their philosophical profundity and religious depth and explored at new heights of meaning. Whether priests or lay people, whether gathered out of the common life or located within it, the people whose conceptions stand behind and generate the Mishnaic system of uncleanness pursue the sanctification of Israelite life, and set for themselves the goal of sanctifying profane things and purifying unclean ones. Scripture demands the distinction between holy and unclean. Mishnah begins with the profound conviction that that distinction is to be made so that it may be overcome. To begin with, it asserts that the common is to be surpassed, the profane to be transcended, the unclean to be made sacred.

Purity After 70: Early Rabbinism and the Mishnaic System of Uncleanness

After 70, the unfolding of the system proceeds without significant variation or change and follows the lines already laid out in the period before 70. Let us dwell upon the points of continuity which are many and impressive. The development of the rules on the uncleanness of menstrual blood, the Zab, and corpse uncleanness is wholly predictable on the basis of what has gone before. The principal conceptual traits carry forward established themes. For example, if we have in hand an interest in resolving matters of doubt, then, in Yabneh, further types of doubts will be investigated. Once we know

that a valid birth is not accompanied by unclean blood, we ask about the definition of valid births. Yavnean rulings of corpse contamination dwell upon secondary and derivative issues. In important areas of the law the system goes ahead in a remarkably predictable path, clearly moving forward, past the destruction of the Temple, along lines laid down long before. What happens when a system, revolving about a symbolic center and perceived as a metaphorical construction, loses its concrete point of comparison, the center to which everything is deemed peripheral and comparable? What happens to the modes of thought—thinking through analogy and contrast—which give conceptual form and force to the system? The clear answer to the latter question in the case of the Mishnaic law of purities is that the modes of thought persist. New inquiries may be raised, but the ways of working them out in conceptual detail already are known and predictable; analogical and contrastive thinking about the known illuminates the unknown.

If, for example, we consider an important innovation in the law, we find ourselves able to interpret it without reference to the impact of the Temple's destruction. It would have come about had the Temple remained standing, and this is demonstrable. I refer to the innovation of Aqiba in introducing into the process of declaring "leprosy" clean or unclean an authority unknown in Scripture, namely, not a priest but a sage, who is "expert in them and in their names." The sage knows the facts of the character of the *negaʿ* and *saraʿat* and therefore can be relied upon to rule which is clean and which is unclean. The introduction into the system of a whole corpus of law on a source of uncleanness cannot, to be sure, be credited to the need to make a place for the sages, authorities not of the priestly caste. Scripture itself is clear on *negaʿ saraʿat* as a source of major uncleanness.

The Essene community at Qumran as well as the nascent Christian community likewise make provisions for the participation of a non-priest in the system. After himself healing a leper, Jesus tells the man, "Go, show yourself to the priest" (Matt. 8:1-4, Mark 1:40-44, Luke 5:12-14). Likewise CD 13:5-7[7] provides for an informed person to instruct a priest in what to say in connection with blemishes: "But if there be a judgment regarding the law of blemishes, then the priest shall come and stand in the camp, and the overseer shall

[7] C. Rabin, *The Zadokite Documents* (Oxford, 1958), p. 62.

instruct him in the exact meaning of the Law. Even if he [the priest} be an imbecile, it is he who shall lock him up; for theirs is the judgment." Accordingly, provision for the role of the informed person is an aspect of the working out of relationships between the commune and the established priesthood and Temple, and in no way is the destruction of the Temple a particular and causative factor in the consideration of the problem. The sage does not heal, of course, but has the knowledge to recognize symptoms of healing or uncleanness. The role of each sort of authority is particular to the system of which he forms a part.

Perfection and Implausibility

The destruction of the Temple cannot be presented as the principal cause of the several important shifts in the Mishnaic system of uncleanness which took place in the Yavnean period.[8] The lines of development in many important components of the system are continuous with the character of the law before 70. Whether or not the Temple was destroyed, it was inevitable that these areas would develop within the as-yet unanswered questions—the logical tensions implicit in their earliest structure. The provision of a place for the sage in the determination of uncleanness formerly reserved for the priest does not depend of the event of 70, since exactly the same consideration is revealed in CD. Any system, not only Mishnah's in which an authority other than the priest stands at the center must at some point take up the problem of how said authority related to the priest in decisions reserved by Scripture to the priesthood. The answer in CD and in Negaim is to treat the priest as an indispensable idiot, preserving for him a formal role while treating that role as a decidedly secondary formality. The profound thought of Makhshirin and Kelim on the role of man in inaugurating the working of the system responds to the conception of Miqvaot of the role of nature in bringing the process to a conclusion and restoring the economy of nature. Internal systemic considerations, imbedded in the logic of the law, account even for the transformation of what had been an undifferentiated metaphor into a fact. A single continuum now joins the table at home to the altar.[9] Cleanness of the

[8] Yabnean period, from Yabneh, the location of the rabbinic group after 70.
[9] I refer to the development of the notion of removes of uncleanness, first, sec

domestic table is not merely *like* cleanness of the Temple altar but stands in a single concrete line which ascends from the former, via the cleanness of the priest's heave-offering, to the latter. What formerly was compared to something else now is placed into material relationship with that other thing.

Yet the fact remains that the Temple *was* destroyed. The legal developments under examination are given in the names of Yavnean and stand in a direct line either with rulings given in the names of authorities before 70 or with suppositions taken for granted and not subjected to controversy after 70. The evidence, both in its silence and in its full expression, strongly suggests that it was after 70 in particular that these interesting developments of the system did take place. Whether or not they would have occurred if the calamity did not happen of course is not subject to inquiry. As I have argued, they are implicit in the antecedent system and susceptible of discovery without regard to external events. Even though the role for the authority other than the priest is defined by the Essenes at a different time and in other circumstances from the age and context of the calamity of 70, even though the system itself invites consideration of the role of human agency and intent in its commencement, and even though the deep thought on levels of sanctification is invited by the ambiguities of the very metaphor upon which the system is founded, the facts are what they are.

It follows that, while we cannot ask how the destruction of the Temple affected the Mishnaic system of uncleanness, we do ask how the development of the system after 70 is congruent with the effects of the Temple's destruction. The answer is obvious. First, the destruction radically revises the institutional context for the priestly government of surviving Israel. New sorts of leaders emerge, one of which is the sage, qualified because he is expert "in them and in their names." Negaim testifies to that fact and to the further and still more important fact that Aqiba in particular proposes to investigate the deep implications of the rise of the sage for a law to the working of which the priest is essential. The catastrophe raises the question of whether or not people bear responsibility for what has happened. If they do, they take on a heavy burden of guilt. If they

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ond, third, corresponding to levels of sanctification of food, ordinary food, heave-offering, and Holy Things, for example, as exemplified at M. Tohorot 2:3-7. It would carry us far afield to lay out the sources on this complex matter. The point which is relevant is as given.

do not, however, they face an equally paralyzing fact: their own powerlessness to shape their fate. The issue is resolved by stress upon the responsibility of Israel for its own fate, a painful conclusion made ineluctable by the whole of the scriptural heritage of Leviticus, Deuteronomy, and the prophetic literature. But Scripture is clear that those who have brought disaster by their deeds also can overcome it. Reversion to the right way will produce inexorable redemption. If people are not helpless, then their deeds and their intentions matter very much. The catastrophe provides an occasion for reflection on the interplay between action and intention, in the established supposition that what people propose to do and actually do are their own responsibility. And, as we have seen, the central issue—the fate and focus of the sacred—is faced head-on.

The Mishnaic system of uncleanness at Yabneh contains within itself developments remarkably congruent to the institutional, psychological, and metaphysical crisis precipitated by the destruction of the Temple. Its message is clear. The sages will lead Israel to the restoration of the world destroyed by Israel's own deeds. They will do so through the reformation of attitudes and motives, which will lead to right action with the result that, even now, the remnants of holiness may be protected from the power of uncleanness. The holy priesthood and people, which endure and which are all that endure after the cultic holocaust of 70, form the last, if diminished, sanctuary of the sacred. In domestic life, at table, the processes of life are nurtured and so shaped as to preserve and express that remnant of the sacred which remains in this world. The net result of the Yavnean stage is the law's unfolding is that history—the world-shattering events of the day—is kept at a distance from the center of life. The system of sustaining life shaped essentially within an ahistorical, indeed antihistorical, ontology goes forward in its own path, a way above history.

Yet the facts of history are otherwise. The people as a whole can hardly be said to have accepted the ahistorical ontology framed by the sages and in part expressed by the system of uncleanness. They followed the path of Bar Kokhba and took the road to war once more. When three generations had passed after the destruction and the historical occasion for restoration through historical—political and military—action came to fulfillment, the great war of 132-35 broke forth. A view of being in which people were seen to be moving toward some point within time, the fulfillment and the end of

history as it was known, clearly shaped the ontological consciousness of Israel after 70 just as had been the case in the decades before 70. So if to the sages of our system, history and the end of history were essentially beside the point and pivot, the construction of a world of cyclic eternities being the purpose and center, and the conduct of humble things like eating and drinking the paramount and decisive focus of the sacred, others saw things differently. To those who hoped and therefore fought, life had some other meanings entirely.

The second war proved still more calamitous than the first. In 70 the Temple was lost and in 135, even access to the city. In 70 the people, though suffering grievous losses, endured more or less intact. In 135 the land of Judah, surely the holiest part of the holy Land, evidently lost the bulk of its Jewish population. Temple, Land, people—all were gone in the forms in which they had been known. In the generation following the calamity of Bar Kokhba, what would be the affect upon the system of uncleanness?

The answer is predictable: there would be no affect whatsoever. The system would go on pretty much as before, generating its second- and third-level questions as if nothing had happened. For a brief, unreal twilight, the old pretense of a life beyond history and a system untouched by dynamics of time and change would be attempted. The result, in the history of the Mishnaic system of uncleanness, would be the hour of systemic fulfillment, the moment of the richest conceptual, dialectical achievement, a bright and brilliant time in which 200 (or more) years of thought would come to ultimate incandescence. And, at the end, Our Holy Rabbi (Judah the Patriarch) would capture the light in permanent utensils of unbreakable language. But pretense that nothing had happened, or could happen, does not make history. Things *had* happened. The system of uncleanness, unfolding beyond time and change, now complete and whole in flawless intellectual and literary structures, is set aside at the time of its perfection. The system which had denied an end time and constructed a world without end itself would fall into desuetude. History would give it its place on the crowded shelf of unused utensils, each containing its true, but implausible truths.[10]

[10] See my "History and Structure," *Journal of the American Academy of Religion* 45, no. 2 (1977): 161-92. This paper was read in 1977 as a lecture at the Protestant Theological Faculty of the University of Tübingen on the occasion of the celebration of the 500th anniversary of that university. where I was awarded the University Medal in Honor of the 500th Anniversary. Further, I express my thanks

for the cordial hospitality and friendship accorded to me by members of both the Protestant and the Catholic faculties and for the honor of the invitation to speak on the celebration of the jubilee. It was a bitter-sweet occasion, to be sure, since in exchange for the town's acceptance of a university, the monarch had to agree to expel the Jews from Tübingen, which he did on the occasion of the founding of the University.

CHAPTER EIGHT

THE HALAKHAH AS ANTHROPOLOGY

Chancellor Gerson D. Cohen speaks of "the blessing of assimilation in Jewish history," by which he means "the healthy appropriation of new forms and ideas for the sake of our own growth and enrichment." He says, "Assimilation properly channeled and exploited can...become a kind of blessing, for assimilation bears within it a certain seminal power which serves as a challenge and a goal to renewed creativity."[1] There is no area of Jewish expression more distinctive and intimate to the Jewish people, more idiomatic and particular to its inner life, than the study of the Talmud and its law. In the present age, in my view, it is the study of the Talmud which has experienced[2] and must continue to undergo the fructifying and vivifying experience of assimilation. The reason is that it is precisely there that the Jewish intellect expresses itself.[3] The correct focus

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[1] Gerson D. Cohen, "The Blessings of Assimilation in Jewish History," in J. Neusner, ed., *Understanding Jewish Theology. Classical Issues and Modern Perspectives* (New York, 1973: KTAV Publishing House), pp. 251-258. Quotations: pp. 257f. [This lecture was written and presented at the invitation of then-Chancellor Gerson D. Cohen.]

[2] The ways in which Talmud scholarship has confronted, if not wholly assimilated, some of the approaches and methods of the nineteenth- and twentieth-century humanities (and even social sciences) are sketched in J. Neusner, ed., *Formation of the Babylonian Talmud: Studies on the Achievements of Late Nineteenth and Twentieth Century Historical and Literary-Critical Research* (Leiden, 1979: E.J. Brill), and in J. Neusner, ed., *The Modern Study of the Mishnah* (Leiden, 1973: E.J. Brill). A broader analysis of the relationship between Jewish learning and the secular university, to which Jewish learning comes only in the twentieth century (and, for the most part, in the third quarter of that century) is in my *The Academic Study of Judaism. Essays and Reflections* (New York, 1975: KTAV Publishing House) and *The Academic Study of Judaism. Essays and Reflections. Second Series* (New York, 1977: KTAV Publishing House). Later in this essay I point to two points in which assimilation has been completed, philology and Semitics. The third point at which, I think, assimilation to a fresh mode of thought will be fructifying is in the area of social and cultural anthropology, as I shall make clear. The debate on the use for historical purposes of Talmudic and other Rabbinic writings is systematically worked out among the diverse views set forth in *Judaism in Late Antiquity*. Volume Three. *Where We Stand: Issues and Debates*. Part One. In the series, *Handbuch der Orientalistik. Judaistik*. Leiden, 1998: E. J. Brill. Edited with Alan J. Avery-Peck.

[3] I hasten to add that that is not the only classic and distinctively Jewish docu-

for Talmud-study is halakhah, for that is where the systemic statement of the sages is set forth systematically, coherently, and in all due proportion and cogency. Hence when, in this lecture, I speak of "the Talmud," I mean, the halakhah of the Talmud in particular.

Now there have been two approaches to learning which already have stimulated students of the talmudic and cognate literature to ask new questions and therefore to understand and perceive new dimensions in that literature. The first is the study of the language of the Talmud in the light of other Semitic languages, on the one side, and of Indo-European ones, Greek, Latin, and Iranian, on the other. Comparative philology in fact is very old, since its first great monument appears in the eleventh century, after the Islamic conquest of the Mediterranean world.[4] The result of the modern phase of that project, which has been continuous since the nineteenth century, has been a clarification of the meanings of specific sentences, the specification of the origins and sense of words used in one place or in another, in all, a great improvement upon our understanding of the concrete and specific meanings of the Talmud's various discrete words and phrases. This step forward in exegesis, however, has not vastly improved our understanding of the method and meaning of the Talmud. But it has given greater clarity and accuracy to our search for its method and meaning.[5]

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ment. The Hebrew Scriptures are still more important and, read as Judaism has read them, equally distinctive. This point should not be given more weight than is intended here.

[4] I refer to *Arukh Hashshalem* by Nathan b. Yehiel of Rome, 1035-c. 1110, who gives the meaning and etymology of the talmudic lexicography in Latin, Greek, Arabic, and Persian. This is not to suggest he is the only important "comparativist" in post-talmudic times. For their part, talmudic rabbis themselves are acutely aware of linguistic origins, differences in word choice, and other aspects of what we should now call comparative philology and lexicography. There are, moreover, pericopae in the Babylonian Talmud which can have been composed specifically with the interest of sociolinguistics in mind. But it was in the time of the beginnings of modern Semitics that the true weight and meaning of these facts were grasped and taken seriously.

[5] I do not make reference to important modern and contemporary advances in the exegetical methods brought to bear upon the interpretation of the talmudic literature, because these appear to me to emerge essentially within the limits of classical talmudic exegesis. They exhibit only casual, and, in any event, unsystematic interest in exegetical and hermeneutical experiments outside of talmudic studies or on its fringes. The reason is that the exegesis of the text is, alas, of interest principally to people who teach in *yeshivot* and Jewish seminaries or in Israeli university Talmud departments. These scholars have no access to, or interest in, the work of

The second approach is the study of the Talmud for historical purposes. It has been in three parts, first, use of talmudic evidence for the study of the general history of the Near and Middle East of its own times;[6] second, use of historical methods for the study of what was happening among the Jews and especially the people who created the Talmud itself;[7] third, use of historical perspectives in the

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exegetes in the larger fields of hermeneutics in secular universities. Still, the noteworthy achievements of David Weiss Halivni in *Meqorot ummesorot* (Tel Aviv, 1968, 1975) [English titles: I. *Sources and Traditions. A Source Critical Commentary of Seder Nashim,* and II. *A Source Critical Commentary on the Talmud. Seder Moed. From Yoma to Haggai*] should be ample evidence of what can be achieved even within an essentially traditional ("*aharonic*") frame of reference. For a critique of the academically-based approaches to Talmudic exegesis, with special reference to the markedly-unsuccessful and obscure results of Shamma Friedman, see *Law as Literature.* Chico, 1983: Scholars Press. = *Semeia. An Experimental Journal for Biblical Criticism* Volume 27. Edited by William Scott Green. As to Halivni, see my *Sources and Traditions. Types of Composition in the Talmud of Babylonia.* Atlanta, 1992: Scholars Press for South Florida Studies in the History of Judaism.

[6] Historians of the Near and Middle East who have turned to talmudic materials as a routine part of their examination of the sources are not numerous. In general well-trained Semitists will be apt to turn to the talmudic corpus more readily than Classicists and Byzantinists, for obvious reasons. Still, I cannot point to a single major work on the history of the region from Alexander to Muhammed that intelligently and sustainedly draws upon talmudic evidence. As a general overview, though, I recommend F.E. Peters, *The Harvest of Hellenism. A History of the Near East from Alexander the Great to the Triumph of Christianity* (New York, 1979: Simon and Schuster). In this context, it is now worth observing that while, on intellectual merit, Peter Brown's *World of Late Antiquity* has stood the test of time, the work seems to me to have been more or less forgotten. That is unfortunate, since it contains a number of stimulating insights and generalizations worth exploring. But as of this writing, nearly thirty years beyond his textbook, the richness of his vision seems not to have been fully exploited by co-workers and heirs. For his part, he seems to have fallen silent too.

[7] All the historians of the Jews of this period, by contrast, draw extensively upon the Talmud's evidence. But most of them draw solely upon that evidence. The best examples of well-crafted historical accounts of the period, making ample and, *for their day* (which has passed), reasonably critical use of the talmudic evidence are Salo W. Baron, *Social and Religious History of the Jews,* Vol. II (New York, 1952: Columbia University Press), Michael Avi-Yonah, *The Jews of Palestine. A Political History from the Bar Kokhba War to the Arab Conquest* (Oxford, 1976: Basil Blackwell), and Mary Smallwood, *The Jews Under Roman Rule* (Leiden, 1976: E.J. Brill). Each volume in my *History of the Jews in Babylonia* (Leiden, 1965-1970) I-V, opens with a chapter on the political history of the Jews at a given period in the history of the Parthian and Sasanian dynasties; in these chapters the evidences of the talmudic stories are brought together with those deriving from other sources entirely, Christian, Iranian, Greco-Roman, and the like. The second chapter of each of those books then deals with the inner political history of the Jewish community, and for this purpose Iranian and talmudic evidences are utilized as well.

analysis and elucidation of the Talmud's own materials.[8] None of these three methods has attracted a great number of practitioners. In a moment I shall explain why use of historical methods for the study of the world of the Talmud has, on the whole, produced results of modest interest for people whose principal question has to do with the discovery of what the Talmud is and means. At this point it suffices to say that the assimilatory process has worked well. The Talmud is no stranger to historical discourse, just as it is a familiar and routine source for the pertinent philological studies.

In my view there is yet a third approach to the description and interpretation of texts and to the reconstruction of the world represented in them. It is the approach of anthropology, the science of the description and interpretation of human culture.[9] Anthropolo-

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[8] I am inclined to think that historical perspectives have clouded the vision of those who attempt them for exegesis of talmudic literature. The most ambitious, and, consequently, the most unsuccessful such effort at a kind of historical exegesis of the Talmud and its law is in Louis Finkelstein, *The Pharisees* (Philadelphia, 1936: The Jewish Publication Society). But in this regard he merely carried forward the perfectly dreadful approach of Louis Ginzberg, for example, in "The Significance of the Halachah for Jewish History," 1929, reprinted in his *On Jewish Law and Lore* (Philadelphia, 1955: The Jewish Publication Society of America), pp. 77-126. My reasons for regarding this approach to the exegesis of the law of the Talmud as untenable and the results as capricious and unsystematic are amply spelled out in my *The Rabbinic Traditions about the Pharisees before 70* (Leiden, 1971: E.J. Brill), Vol. III, pp. 320-368. There I review a very wide range of historical writings about the Pharisees and place into context the work of Finkelstein and Ginzberg (among many others). I am able to point to the underlying and generative errors in their approach to the interpretation of the legal materials for historical purposes and in their claim to interpret the legal materials from a historical perspective as well (a totally confused work). Finkelstein had an opportunity to respond to his critics, including to these remarks, which I sent to him, in his chapter on the Pharisees in Cambridge History of Judaism Volume II. Instead he choose to "ignore" all of his critics and their work. As editor of the volume, he had the power to do so.

[9] In what follows, I point to the work of a few specific anthropologists. In doing so, I do not pretend to have mastered the corpus of contemporary anthropological theory or to know more than the works I cite. Nor do I even claim fully to grasp all of the writings of the scholars whom I find, at some specific points in their corpus, to be strikingly illuminating for the work of understanding the talmudic literature. In pointing toward social and cultural anthropology as a source of helpful questions and methods, moreover, I do not mean to take a stand on any of the mooted issues of that field. Nor do those whose names I omit make no or little impact upon me. Indeed, the scholar whose works I should most want to emulate is not cited here at all, namely, Melford Spiro. If I could write for Judaism an equivalent to his *Buddhism and Society*, I believe I could make a contribution of lasting and fundamental importance to the study of Judaism within the study of religions.

gy began its work, as Marvin Harris points out, "as the science of history." It was meant to discover the lawful principles of social and cultural phenomena. In the past half century "anthropologists sought out divergent and incomparable events. They stressed the inner, subjective meaning of experience to the exclusion of objective effects and relations...with the study of the unique and non-repetitive aspects of history."[10] In our own day there is a renewed interest in generalization and in regularities, for instance, in underlying structures of culture. Now what makes anthropology fructifying for the study of the Talmud is a range of capacities I discern in no other field of humanistic and social scientific learning. To me, anthropologists are helpful because they ask questions pertinent to the data I try to interpret.[11] We who spend our lives investigating and trying to master the talmudic and cognate literature and to gain valid conceptions of the world created by that literature are overstuffed, indeed, engorged, with answers. Our need is for questions. Our task is through the exercise of taste and judgment to discern the right ones.

Information by itself nourishes not at all. Facts do not validate their own importance. Unless they prove relevant to important questions, they are not important. As I shall explain, among anthropologists of various kinds, who would not even agree with one another in many things, I find a common core of perspectives and issues which make their work stimulating for talmudic learning of a particular sort. It is, specifically, because they show me the meaning of the data I confront that their modes of thought and investigation demand attention and appreciation.

Before specifying those things to be learned from anthropology, let me spell out what I find wrong with the approaches of that field

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So, in all, what follows should be understood as a preliminary and tentative account of some of what I have learned from a few interesting people in a field presently altogether too remote from mine.

[10] Marvin Harris, *The Rise of Anthropological Theory. A History of Theories of Culture* (London, 1968, Routledge & Kegan Paul), pp. 1-7. It goes without saying that I do not wish to take a position on the controversy generated by this stimulating book. I learned much from Harris's history and critique.

[11] I cannot overemphasize the priority: anthropology here is important *because* it serves the exegetical project of the Talmud. Whether the Talmud is important for anthropological work I do not know.

which, to date, has predominated in the academic study of the talmudic literature, I mean, historical study. There are two kinds of problems which in my view call into question the fruitfulness of historical study of the Talmud. It is because of these two problems that I turn to a field other than history to find some useful questions for those many answers which we have at hand.

The first problem is very obvious. The Talmud simply is not a history book. To treat it as if it were is to miss its point. That is to say, the Talmud and related literature were not created to record things that happened. They are legal texts, saying how people should do things (and, sometimes, do do things); or they are exegetical texts, explaining the true meaning of the revelation at Sinai, the Torah; or occasionally, they are biographical texts, telling stories about how holy men did things. They are put together with an amazing sense of form and logic, so that bits and pieces of information are brought into relationship with one another, formed into a remarkably cogent statement, and made to add up to more than the sum of the parts. talmudic essays in applied logic rarely are intended to tell us things which happened at some one point. They still more rarely claim to inform us about things that really happened.

For in the end the purpose of the talmudic literature, as talmudists have always known, is to lay out paradigms of holiness. The purpose is to explore the meaning of being human in the image of God and of building a kingdom of priests and a holy people. For that purpose, the critical questions concern order and meaning. The central tension in the inner argument lies in the uncovering of sacred disciplines. The Talmud describes that order, that meaning, which, in society and in the conduct of everyday life, as well as in reflection and the understanding of the meaning of Israel and the world, add up to what God wants. The Talmud is about what is holy.

Now in the quest for the holy order, things of interest to historians, that is, the concrete, one-time, discrete and distinctive events of history, are obstacles. For order lies in regularity. But history is the opposite. It is what is interesting, which is what is unusual. That is what is worth reporting and reflection. So it will follow that the last thing of interest to people of the sort of mind who made the Talmud is whether things really happened at some one point.[12] What

[12] I stress that this issue is simply beside the point. It is not relevant to talmudic discourse. Therefore to accuse the rabbis of lying because they tell didactic tales and moral or theological fables, rather than writing history like Tacitus or Josephus,

they want to know is how things always happen and should happen. If I may project upon the creators of the talmudic literature what I think their judgment would be, they would regard history as banal. My basis for thinking so is not solely that they wrote so little of it. It is principally that they wrote something else. So history misses the point they wish to make.

Besides the triviality of history there is a second problem, of a quite different order. It concerns how history is done today. For a long time in Western culture we have understood that merely because an ancient source says something happened, that does not mean it really happened that way, or even happened at all. An attitude of skepticism toward the claims of ancient documents was reborn in the Renaissance and came to fruition, in the religious sciences, in the eighteenth and nineteenth centuries. From that time onward, it was clearly understood that, in trying to figure out who did what and why, we are going to stand back from our sources and ask a range of questions not contained in them. When we come to the talmudic sources out of which some sort of history (biography, politics, or a history of ideas) may be constructed, so that we have a sense of what came first and what happened then, we have therefore to reckon with the problem of the accuracy and reliability of our sources. That problem would confront us in the examination of any other source of the period of which the Talmud is a part. It is not an insurmountable problem, but it must be met.

Now when we combine these two problems, the first, the problem of the intent of our sources and the meaning they wish to convey, and the second, the problem of the accuracy of our sources for the doing of that sort of work which people generally call historical, we realize that the historical approach to the Talmud requires a considerable measure of thoughtfulness. Studying the Talmud as history demands the exercise of restraint, probity, and critical acumen. Unfortunately, these traits, when Heaven divided them up, were not lavished upon the sorts of folks who think that the important thing to ask the Talmud is what really happened on the particular

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is to miss the point of what the rabbis of the Talmud mean. By their long arguments of analysis and applied and practical reason they propose to bring to the surface underlying unities of being. It is the most naive sort of anachronism to accuse them of being uninterested in truth because they do not record events, or record them in fanciful ways, since it denies the logicians their task but expects them to work like historians instead.

day on which Eleazar ben Azariah's hair turned white, or—for that matter—on which Jonah was swallowed by the whale. Let me give just one instance of this fact—the obtuseness of those who ask the Talmud to tell us about people who really said and did the things reported about them—so that I not be thought to exaggerate.

For this purpose I choose the most current book available to me, which is Samuel Sandmel's *Judaism and Christian Beginnings*.[13] Sandmel provides an account of what he at the outset admits are "legends" about some of the holy men of the talmudic literature. These stories he tells specifically in the context of his description of the state of Judaism in the formative century of Christianity. It is self-evident that he would not write about these particular men if he were discussing the Judaism of the third or fourth centuries. But these are the centuries in which the stories he cited first are attested. When Sandmel chooses Hillel and Shammai, he clearly wishes the reader to believe that he is telling about people who are contemporaries of Jesus. When we listen to the fables Sandmel brings in evidence of these contemporaries, what do we hear? This is characteristic of Sandmel's wide-eyed and credulous narrative as a whole:

> Hillel loved his fellow man as deeply as he loved the Torah, and he loved all literature of wisdom as much as he loved the Torah, neglecting no field of study. He used many foreign tongues and all areas of learning in order to magnify the Torah and exalt it..., and so inducted his students.[14]

The voice of this paragraph is the historian, that is, Sandmel, claiming to tell us about dear old Hillel (and mean old Shammai). He puts nothing in quotation marks, and his footnotes lead the reader to unanalyzed, unquoted sources, as though he had any basis whatso-

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[13] New York, 1978: Oxford University Press. Under discussion: pp. 236-251. Like so many in his field, Sandmel too succumbed to the temptation of ignoring his critics and their criticism. He never explained to the academic world how he could accept Gospels' criticism and its intellectual disciplines but reject the counterpart criticism and disciplines formulated in his own time by other scholars. He simply cited Rabbinic literature as a compendium of established facts, while participating in the rich critical enterprise of New Testament scholarship, and when asked why, declined to respond. Once again, all there is to say is, if he could have answered, he would have; he was rendered obsolete by his own incapacity to continue to learn and to grow in learning. I cannot point to a single book of his in the study of ancient Judaism that merits rereading today.

[14] *Ibid.*, p. 237.

ever, other than third and fourth century fables, for every single sentence in this paragraph. But that paragraph in fact is nothing but a paraphrase of materials found in rabbinic sources of a far later age than Hillel. None of the sources emerging from the late second century (a mere two hundred years after Hillel is supposed to have lived) knows about Hillel's vast knowledge. Indeed, in an age in which the sources report conflict on whether Jews should study Greek, and in which only a few highly placed individuals are allowed (in the Mishnaic corpus) to do so, no one thought to refer to the "fact" of Hillel's having known many languages. The reason, I think, is that no one knew it, until it was invented for purposes of storytellers in an age in which the story was told, whatever these purposes may have been. It follows that, to represent Hillel in this way (and Sandmel runs on for fifteen pages with equivalent fairytales) is simply meretricious. If it is the Hillel legend, then it is a legend which testifies to the state of mind of the storytellers hundreds of years after the time of Hillel (and Jesus). The stories Sandmel tells us on the face of it record absolutely nothing about the age, let alone the person, of Hillel himself. If they do, Sandmel does not show it. In my judgment, this kind of historiography is deceiving and childish. If Hillel were not interesting to Christians, Sandmel would not tell about him.

But even if this were true, *historical* Hillel, what difference would it make? By that I mean, what important information, relevant to profound and interesting questions confronting ancient or contemporary culture, should we have, for instance, in the knowledge that "Hillel loved his fellow man," and in similar, didactic statements? The study of stories about saints is interesting, from the perspective of the analysis of culture and society, because it opens the way to insight into the fantasy and imagination of that culture and society. We learn from the hopes which people project upon a few holy men something about the highest values of the sector of society which entertained those hopes and which assigned them to those men. Or we may learn something about the fears of that group. But the one thing which I think is dull and unilluminating is a mere repetition of stories people told, because they told them. In other words, when Sandmel claims to tell us about the time of Jesus and then arrays before us perfectly routine, third-, fourth-, or fifth-century rabbinical hagiography, he is engaged in a restatement, *as history,* of what in fact are statements of the cultural aspirations and values of another age. It was one in which—in the present instance—some sto-

rytellers appear to have wanted people to appreciate Torah-learning in a broad and humanizing context (if we may take a guess as to what is at hand in these particular allegations about Hillel). But if, for the turn of the first century, we have evidence that the ideal of Torah-study was not associated with the very movement of which Hillel is supposed to have been a part, but of a quite different set of people entirely, then I am inclined to think Sandmel engages in deception.[15] If Hillel had not lived in the time of Jesus, Sandmel would not be interested in him for a book on Judaism and Christian beginnings, and he would not be asking us to believe these fairytales as history of a particular man, who lived at a particular time, *and who therefore tells us about the age in which he lived*. This is nothing short of an intellectually despicable deceit. But it is how things are among the historians, though, I admit, Sandmel's case is somewhat extreme.

Of the two problems just now outlined, it is the first which I think more consequential. Merely because historians work unintelligently or without candor is no reason to wonder whether we have to turn elsewhere than to history to find useful questions—appropriate routes toward the center and heart of our sources. But if, as I suspect, historians do not ask the critical and generative questions, then we have to look for help to those who do. Perhaps the most difficult problem is to overcome our own circumstance, our own intellectual framework. For in thinking the Talmud important, we tend to claim it is important for our reasons.[16] We ask it to address ques-

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[15] See my "Oral Tradition and Oral Torah: Defining the Problematic," in *Method and Meaning in Ancient Judaism* (Missoula, 1979: Scholars Press for Brown Judaic Studies). This same argument is made in my *Rabbinic Traditions about the Pharisees before 70*, which, naturally, Sandmel fails to cite. I hasten to add that Sandmel is taken solely to show something acutely contemporary. I could adduce in evidence a great many others over the past two hundred years, as I indicated in *Rabbinic Traditions*, III, pp. 320ff., cited above. That discussion, too, thus far has elicited not a single contrary opinion. I think the reason is that the other side has not got much to say in its own behalf.

[16] Since in my years in rabbinical school and graduate school, the two paramount humanistic disciplines were history and philosophy (philology was a poor third), and since my undergraduate concentration had been in history, it was perfectly natural to me to ask historical questions of the talmudic sources. I still think these are important questions. In the end, my hope is to contribute to the intellectual and cultural history of the period in which the Talmud came into being. But, as

tions interesting to us, without finding out whether these are the right questions for the Talmud too. Let me now spell this problem out.

The distance between this century and the centuries in which the Talmud was brought into being is not simple to measure. For it is not merely that the rabbis and most others of their day thought the world was flat, and we know it is not. It is that the way in which they formulated the world, received and organized information about life, profoundly differs from that of our own day. We are not equipped to interpret the Talmud's worldview if we bring it to our own. We drastically misinterpret earlier rabbinic documents when we simply seek places on the established structure of issues and concerns on which to hang whatever seems relevant in the talmudic literature.[17] Let me illustrate the matter very simply.

When the rabbis of the late first and second centuries produced a document to contain the most important things they could specify, they chose as their subjects six matters, of which, I am inclined to think, for the same purpose[18] we should have rejected at least four, and probably all six. That is, the six divisions of Mishnah are devoted to purity law, tithing, laws for the conduct of sacrifice in the Temple cult, and the way in which the sacrifices are carried on at festivals, four areas of reality which, I suspect, would not have found a high place on a list of our own most fundamental concerns. The other two divisions, which deal with the transfer of women from one

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I stress, there are more important questions than the ones with which I (and so many others) began to work.

[17] This is the sort of thing characteristic of theologians of talmudic Judaism, whose theological categories are imposed upon, and do not flow from, those of the talmudic literature. I have spelled this problem out, in one concrete instance, in "Comparing Judaism," *History of Religions* 18, 2, 1978, pp. 177-191, and, in another, in my essay-review of Urbach's *The Sages, Journal of Jewish Studies* 27, 1, 1976, pp. 23-35. I think the only modern student of talmudic Judaism to confront this problem and to try to overcome it is Max Kadushin. See for example his *Worship and Ethics. A Study in Rabbinic Judaism* (Evanston, 1964: Northwestern University Press). My impression is that his failure lies in his trying to do too much, on too broad a canvas; for his results are entirely unhistorical and undifferentiated. But the effort is impressive and not to be forgotten. [I found and edited Brown Judaic Studies to give a hearing to just such scholarship as Kadushin's. Therefore when I was approached by his family to publish his final book, which was fully ready in camera ready copy and was supposedly to have been published by the Jewish Theological Seminary of America but then rejected, after the man's death, by those in charge, I agreed on the spot. We were able to produce his book within three months, and he got the hearing that he earned for himself. Why JTSA accepted and then rejected his work, waiting until he died to say so, I cannot explain.]

[18] As if we knew their purpose!

man to another, and with matters of civil law, including the organization of the government, civil claims, torts, and damages, real estate and the like, complete the list. When we attempt to interpret the sort of world the rabbis of the Mishnah propose to create, therefore, at the very outset we realize that that world in no way conforms, in its most profound and definitive categories of organization, to our own. That is why we need help in interpreting what it is that they propose to do, and why they choose to do it that way and not in some other.

It follows that the critical work of making sense and use of the talmudic literature is to learn how to hear what the Talmud wishes to say in its own setting and to the people addressed by those who made it up. For that purpose it is altogether too easy to bring our questions and take for granted that, when the rabbis of the Talmud seem to say something relevant to our questions, they therefore propose to speak to us. Anachronism takes many forms. The most dangerous comes when an ancient text seems accessible and clear.[19] For the Talmud is separated from us by the whole of Western history, philosophy, and science. Its wise sayings, its laws, and its theology may lie in the background of the law and lore of contemporary Judaism. But they have been mediated to us by many centuries of exegesis, not to mention experience. They come to us now in the form which theologians and scholars have imposed upon them. It follows that the critical problem is to recognize the distance between us and the Talmud.

The second problem, closely related to the first, is the work of allowing strange people to speak in a strange language about things quite alien to us, and yet of learning how to hear what they are saying. That is, we have to learn how to understand them in their language and in their terms. Once we recognize that they are fundamentally different from us, we have also to lay claim to them, or, rather, acknowledge their claim upon us. The document is there. It is interesting. It is important and fundamental to the definition of Judaism. When we turn to the humanities and social sciences of our own day with the question, who can teach us how to listen to strange

[19] I think theologians and historians of talmudic theology most consistently commit the sin of anachronism. In this regard the list of examples covers the bibliography of available monographs and books. I cannot think of a single theologian who begins with consideration of the character of the sources and what he proposes to say about them. Everyone works as if "we all know" what we are doing.

people, speaking in a foreign language, about alien things, I am inclined to look for scholars who do just that all the time. I mean those who travel to far-off places and live with alien tribes, who learn the difficult languages of preliterate peoples, and who figure out how to interpret the facts of their everyday life so as to gain a picture of that alien world and a statement of its reality worth bringing back to us. Anthropologists study the character of humanity in all its richness and diversity. What impresses me in their work is their ability to undertake the work of interpretation of what is thrice-alien—strange people, speaking a strange language, about things we-know-not-what—and to translate into knowledge accessible to us the character and the conscience of an alien worldview.

When I turn to anthropology for assistance in formulating questions and in gaining perspectives on the talmudic corpus, what I am seeking is very simple: fresh perspectives, fructifying questions.[20] To illustrate what I have found, let me now take up three specific problems solved for me by anthropologists, all three problems directly related to the study of early rabbinic Judaism and its classic texts.[21]

First, the most difficult task we have is to learn how to decipher the glyphs of an alien culture. For example, in the case of the Talmud, if we have a story about how a holy rabbi studied many languages and mastered all knowledge in his pursuit of Torah—as we do about Hillel—what is it that the storyteller is trying to express? And what communion of language and forms, perceptions and values makes it possible for him to speak to his listener in just this way about just this subject? In other words, once we concur that we want to create more than a paraphrase of the sources, together (in the case of the historians of conscience) with a critical perspective upon them, what

[20] It is far from the truth that historians do not bring fresh perspectives on ancient or medieval sources. I point for contrary evidence to the splendid work of Peter Brown, for instance, in readily accessible form, his *The World of Late Antiquity. From Marcus to Aurelius to Muhammed* (London, 1971: Thames & Hudson). There is a certain insightfulness in Brown's work which some may call ad hoc and not unimpressionistic, but I think it is genius. [As indicated above, after nearly three decades, I can reaffirm this judgment.]

[21] Once more I emphasize that I do not pretend to be a master of contemporary anthropological thought or research. I point only to a few of the writings of a handful of people who have given much to me and made me see things in a fresh way. I have no news to bring to anthropologists, and little enough to talmudists.

is it that we wish to discover? We need to learn how to read these stories and so how to become sensitive to their important traits and turnings, both those of language and those of substance. Literary critics make their living on their sharpened mind and eye. For the purposes of ancient Jewish and Israelite sources, so too do people who learn to think like anthropologists.

Let me cite, as a stunning example, the perspective of the great structuralist-anthropologist, Edmund Leach, upon the story of the succession of Solomon to the throne of Israel. This is how he introduces his work:

> My purpose is to demonstrate that the Biblical story of the succession of Solomon to the throne of Israel is a myth which "mediates" a major contradiction. The Old Testament as a whole asserts that the Jewish political title to the land of Palestine is a direct gift from God to the descendants of Israel (Jacob). This provides the fundamental basis for Jewish endogamy—the Jews should be a people of pure blood and pure religion, living in isolation in their Promised Land. But interwoven with this theological dogma there is a less idealized form of tradition which represents the population of ancient Palestine as a mixture of many peoples over whom the Jews have asserted political dominance by right of conquest. The Jews and their "foreign" neighbors intermarry freely. The synthesis achieved by the story of Solomon is such that by a kind of dramatic trick the reader is persuaded that the second of these descriptions, which is morally bad, exemplifies the first description, which is morally good.[22]

This brief statement of purpose tells us that Leach will show us, in stories we have read many times, meanings and dimensions we did not know were there. When we follow his analysis, we realize that we have been blind. For he shows us what it means to see.

Second, the most difficult question is to find out what are the right questions. Precisely what we want to know when we open the pages of the Talmud is not simple to define. To be sure, these documents have been studies for centuries by people who knew just what they wanted to find out. The questions shaped and brought to the Talmud by the rabbinical scholars of earlier ages made sense both

[22] Edmund Leach, "The Legitimacy of Solomon," in Michael Lane, ed., *Introduction to Structuralism* (New York, 1970: Basic Books), pp. 248-292.

for the Talmud and for the social and intellectual circumstances of the scholars of the Talmud.[23] But, as I have made clear, the information and insight we seek, the problems we wish to solve, and the questions we find urgent are not those which flow, directly and without mediation, from the pages of the Talmud itself. It is one thing to point out that history provides us with the wrong questions. It is quite another to lay forth right ones.

For this purpose, I am much in debt to theorists of social anthropology for showing, in the study of other artifacts and documents of culture, the sort of thing one might do, too, with this one. I refer, for one important example, to the conception of religion as a cultural system. This conception proposes that we view a document of a culture as an expression of that culture's worldview and way of life.

In this context, for example, there is much to be learned from the statement of Clifford Geertz:

> Sacred symbols function to synthesize a people's ethics—the tone, character, and quality of their life, its moral and aesthetic style and mood—and their worldview—the picture they have of the way things in sheer actuality are, their most comprehensive ideas of order. In religious belief and practice a group's ethos is rendered intellectually reasonable by being shown to represent a way of life ideally adapted to the actual state of affairs the worldview describes, while the worldview

[23] The *yeshivot* in Europe trained masters of the Talmud able to exemplify and apply its teachings (in that order of importance) and who could serve as judges and clerks for the Jewish community. That is why the Talmud was studied by them as it was; for instance it explains the tractates they chose. Their larger cultural tasks—to perpetuate the relevance of the text through continuing and extraordinarily brilliant work of exegesis, and application—were wholly successful. So what they did was congruent to their social and cultural context. Indeed, in large measure, because of their success, they imparted to that context its distinctive social and cultural traits. (If universities in the Western countries would enjoy an equivalent success, then the populations of those countries would enjoy the power to think clearly and analyze an issue critically.) Precisely why *yeshivot* and Jewish seminaries in the USA and Canada study the texts which they do, and ignore the texts they ignore (out of the same corpus of Torah-writings) is not so clear. My impression is that the curriculum, once crucial to the formation of Jewish culture, has not changed, so that the things the students might know in order to have something worth sharing with their own age are not given to them. The results among *yeshiva*-alumni I have known are rather sad, people who cannot, for example, operate in a world in which statements are verified by reference to empirical testing, not by what sounds right or seems reasonable (let alone what some holy rabbi tells them). In the end they tend to make things up as they go along and call it Torah-true.

> is rendered emotionally convincing by being presented as an image of an actual state of affairs peculiarly well-arranged to accommodate such a way of life.[24]

What Geertz's perspective contributes is the notion that the world-view and way of life laid forth by a religion together constitute a system, in which the character of the way of life and the conceptions of the world mutually illuminate and explain one another. The system as a whole serves to organize and make sense of all experience of being. So far as life is to be orderly and trustworthy, it is a system which makes it so.

Now it would be difficult to formulate a more suitable question to so vast and encompassing, relentlessly cogent a document as the talmudic literature than this simple one: How does this document inform us about the ethos of the community it proposes to govern? For this document does present a picture of the proper conduct of life, expressive of a cogent ethos. In this immense mass of ideas, stories, laws, criticism, logic, and critical thought, we are taught by Geertz to look for the center of it all and to uncover the principal conceptions which unite the mass of detail. Geertz for his part emphasizes that there is nothing new in his perspective: "The notion that religion tunes human actions to an envisaged cosmic order and projects images of cosmic order onto the place of human experience is hardly novel." But, he notes, it is hardly investigated either.[25] And, it goes without saying, all those who have spoken of

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[24] Clifford Geertz, "Religion as a Cultural System," in his *The Interpretation of Cultures* (New York, 1973: Basic Books, Inc.), pp. 87-88. I may point out that this is not the first point in my work at which I have drawn upon Geertz's thoughtful proposals. His "Religion as a Cultural System" originally appeared in Michael Banton, ed., *Anthropological Approaches to the Study of Religion* (London, 1966). It made an immediate impact upon my approach to the history of the Jews in Babylonia, which I made explicit in the preface to the concluding volume, *A History of the Jews in Babylonia* (Leiden, 1970) V. *Later Sasanian Times*, p. xvii. In fact, it was from Vol. III onward that the shape of the work changed in some part in response to what I was able to learn from Geertz.

[25] I think the most difficult thing to investigate in the talmudic ethos is also the most obvious: the character of the literature, its logic and the sorts of arguments and analyses it presents. I have tried to present such an analysis in my *Invitation to the Talmud. A Teaching Book* (New York, 1973: Harper & Row), particularly on pp. 223-246, and in "Form and Meaning in Mishnah," *Journal of the American Academy of Religion* 45, 1, 1977, pp. 27-54. But these papers, I should claim, only scratch the surface. [The publication history of *Invitation* is as follows: *Invitation to the Talmud. A Teaching Book*. N.Y., 1973: Harper & Row. Second printing, 1974. Paperback edition, 1975. Reprinted: 1982. Second edition, completely revised, San

the Talmud as an ocean share a single failing: none has offered us much by way of a chart.[26]

While the contributions of Leach and Geertz serve to make us aware of the potentialities of our sources, we may, third, point to yet another anthropologist, who has realized a measure of these potentialities. Some of the work of Mary Douglas already has made a considerable impact upon the analysis of students of the Hebrew Scriptures and earlier strata of the rabbinical literature. *Purity and Danger,*[27] for example, opened new perspectives on the issues and meaning of the laws of Leviticus. Her contribution is both to the theory and the substantive analysis of a society's culture. her stress is upon the conception that, "each tribe actively construes its particular universe in the course of an internal dialogue about law and order." So, she says,

> Particular meanings are parts of larger ones, and these refer ultimately to a whole, in which all the available knowledge is related. But the largest whole into which all minor meanings fit can only be a metaphysical scheme. This itself has to be traced to the particular way of life which is realized within it and which generates the meanings. In the end, all meanings are social meanings.[28]

These judgments, which I think form a common heritage of social analysis for the work before us, present a challenge. It is how not only to decipher the facts of a given culture, but also to state the large issues of that culture precisely as they are expressed through minute details of the way of life of those who stand within its frame. Mrs. Douglas has done a fair part of the work. So she has given an example of how the work must be done. This is in her work on the Jewish dietary code, especially as laid out in the book of Leviticus.

Francisco, 1984: Harper & Row. Paperback edition: 1988. A reprint is now available via Scholars Press, Atlanta.]

[26] Though, as I said, some have tried, Kadushin being the one worth noting. Among *yeshiva*-trained talmudists none has even tried.

[27] (London, 1966). I point out, also, that Mrs. Douglas was kind enough to read in manuscript and to write an important critique of my *Idea of Purity in Ancient Judaism* (Leiden, 1973), pp. 137-142. This critique was my first exposure to the interesting perspective of anthropologists. Further discussions with her and (of a quite different order) with Melford Spiro have proved stimulating.

[28] Cf. *Implicit Meanings. Essays in Anthropology* (London, 1975: Routledge, Kegan & Paul).

She introduces one of the most suggestive examples of her work in the following way:

> If language is a code, where is the precoded message? The question is phrased to expect the answer: nowhere....But try it this way: if food is a code, where is the precoded message? Here, on the anthropologists' home ground, we are able to improve the posing of the question. A code affords a general set of possibilities for sending particular messages. If food is treated as a code, the messages it encodes will be found in the pattern of social relations being expressed. The message is about different degrees of hierarchy, inclusion and exclusion, boundaries and transactions across the boundaries.[29]

What should be striking is that she treats as suggestive and important those very rituals in which the Talmud and the form of Judaism created and expressed in it abound.

While I have pointed to three specific contributions of anthropologists, I do not ignore a more general contribution of anthropology as a mode of thought. When we speak to anthropologists about the details of the Talmud's laws, not merely about its intellectual results, we do not have to feel embarrassed or apologetic, as we do when we talk to historians and theologians. Let me spell this out.

A critical problem facing us when we come to the Talmud is that it simply does not talk about things about which people generally want to know these days. The reason that historians have asked their range of questions is in part a counsel of desperation: Let us at least learn in the Talmud about things we might want to know—wars, emperors, or institutions of politics. The theologians and historians of theology similarly bring a set of contemporary questions, for instance, about the Talmud's beliefs about sin and atonement, suffering and penitence, divine power and divine grace, life after death and the world to come, because people in general want to know about these things. Both kinds of scholars do not misrepresent the results when they claim that the Talmud contains information relevant to their questions.

But neither the historian nor the theologian and historian of theology would ask us to believe that the Talmud principally is about the questions they bring to its pages. As I said, it is not divided into

[29] *Ibid.,* p. 249.

tractates about kings and emperors, or about rabbis and patriarchs, for that matter. It also is not organized around the great issues of theology. There is no tractate on the unity of God or on prayer, on life after death or on sin and atonement. Nor does the Talmud speak openly and unambiguously on a single religious and theological question as it is paraphrased in contemporary discourse. So the two kinds of work done in the past, theology, including history of theology, and history, have asked the Talmud to speak in a language essentially alien to its organizing and generative categories of thought.

What does the Talmud tell us? To take three of its largest tractates: it speaks about who may and may not marry whom, in Yebamot; about what may and may not be eaten, in Hullin; and about the resolution of civil conflict, courts of law, property claims, and similar practical matters, in Baba Qamma, Baba Mesia, and Baba Batra. If, to go on, we speak about yet another vast tractate of Mishnah, we address the issues of Kelim, thirty chapters, longest of them all, which analyze the questions of what sorts of objects are subject to cultic uncleanness, and what sorts of objects are not subject to cultic uncleanness. What follows is an amazing agendum of information, answers to questions no one would appear in our day to wish to ask: marriage, food, property relations, cultic cleanness.

Yet it is not entirely true that no one wants to know about these things. When an anthropologist goes out to study a social group, these are the very questions to be asked. As Mary Douglas says, "If food is a code, where is the precoded message? Here, *on the anthropologist's home ground,* we are able to improve the posing of the question."[30] The stress is in her words, *on the anthropologist's home ground,* because when we want to tell scholars of religious studies and theology about the things important to the Talmud, their interest perishes at the frontiers (however wide) of their courtesy. How I slaughter an animal is not deemed a question relevant to religion among philosophers of religion and theologians. But it is a critical questions to an anthropologist of religion. The difference lies in the understanding of the task. The anthropologist wants to understand the whole of a social and cultural system, the group's way of living and its worldview. As Geertz points out, the anthropologist seeks to tell us important things about how these interrelate and define a coherent system. Douglas holds that we uncover a cogent set of conceptions

[30] *Loc. cit.*

and social events, which, when uncoded, tells us something important about the human imagination. Viewed in this way, things which seem trivial are transformed into the very key to the structure of a culture and the order of a society.

Matters are not to be left in such general terms. When we speak about the human imagination, we are addressing a particular issue. It is how people cope with the dissonances and the recurrent and critical tensions of their collective existence. What lies at the heart of a group's life, and what defines both its problem and its power? In the case of ancient Israel, it is the simple fact that a small people lives upon a land which it took from others, and which others wish to take from it. So what is critical is the drawing and maintaining of high walls, boundaries to protect the territory—both land and people—from encroachment. As Douglas phrases matters:

> Israel is the boundary that all the other boundaries celebrate and that gives them their historic load of meaning.

In the very next sentence, she says:

> Remembering this, the orthodox meal is not difficult to interpret as a poem.[31]

It is this mode of thought which I think makes us see the pages of the Talmud in a way in which we have never seen them before. It makes us realize we have never seen what has been there all the time. And it gives us confidence that others too should see what we do. Douglas concludes:

> It would seem that whenever a people are aware of encroachment and danger, dietary rules controlling what goes into the body would serve as a vivid analogy of the corpus of their cultural categories at risk....the ordered system which is a meal represents all the ordered systems associated with it.[32]

This is the sort of thesis which, I think, we are able to explore and analyze by reference to the documents of early rabbinic Judaism. For this purpose they are perhaps more compelling than some more theological ones.

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[31] *Cf. ibid.,* pp. 272-273.
[32] *Loc. cit.*

Yet a second more general contribution accruing from the anthropological mode of thought is to be specified. We have to learn not only how to describe and make sense of our data. Once we have discerned the system which they evidently mean to create, we have the additional task before us of comparing that system to other systems, yielded both by Judaism in its various stages, and by other religious and cultural contexts entirely. For a system described but not juxtaposed to, and compared with, other systems has not yet been interpreted. Until we realize what people might have done, we are not going to grasp the things they did do. We shall be unable to interpret the choices people have made until we contemplate the choices they rejected. And, as is clear, it is the work of comparison which makes that perspective possible. But how do we compare systems?[33]

In fact, whenever we try to make sense for ourselves of what alien people do, we are engaged in a work of comparison, that is, an experiment of analogies. For we are trying to make sense specifically by comparing what we know and do to what the other, the alien culture before us seems to have known and to have done. For this purpose we seek analogies from the known to the unfamiliar. But the work of comparison is exceedingly delicate. For, by using ourselves as one half of the equation for a comparative exercise, we may turn out to impose ourselves as the measure of all things.[34] That of course is something anthropology has taught us not to do, which is another reason for its critical importance in today's labor. In fact, matters prove more insightful when we reverse the equation and regard the other as the measure, and ourselves as the problem. That is, we have to recognize these are the choices those people made, which help us to understand that we too make choices. These are the potentialities discerned and explored by those folk who have made this document and this system. Now we may measure ourselves by whether, for our part, we too recognize potentialities beyond our actuality, whether we see that we too have the capacity to be other

[33] Much that is called "comparative religions" compares nothing and is an exercise in the juxtaposition of incomparables. But it does not have to be that way.

[34] It seems to me any pretense that we stand outside of the equation of comparison is misleading. When we teach a foreign language to our students, it is, in significant measure, by trying to locate analogies to facilitate memorization, and, at the outset, to relate the unknown to the known. That is so in any sort of interpretive enterprise, I think, and it is best to admit it at the outset. But it is specified not as what must be, only as what is anachronistic and must be avoided.

than what we are. These are critical questions of culture and sensibility.[35]

That is the point at which the talmudic literature proves especially interesting to students of culture, on the broad stage of humanities, and to scholars of contemporary Judaism, on the narrow one of theology of Judaism. It provides us with the richest documentation of a system of Judaism among all the Judaic systems of antiquity, from the formation of the biblical literature to the Islamic conquest. When we consider that the Talmud also is formative for the systems of Judaism of later times, we realize how promising it is as a fulcrum for the lifting of that unformed mass of the ages: the making sense of the Judaic tradition in all its diversity, complexity, and subtlety. Clearly, I deem anthropology to be a useful instrument. Let me conclude the argument by specifying that thing I wish to make with diverse tools, one, but only one, of which is the anthropological instrument.

What I seek is the insight into the world of ancient Judaism.[36] This is in part so that contemporary Jews may have a clearer picture of themselves, but in still larger measure so that contemporary humanists may gain a more ample account of a tiny part of the potentialities of humanity, that is, that part expressed within the Judaic tradition in its rabbinical formulation. We have to find out what others have made of that system, what it is that the talmudic system contains within itself, so as to find yet another mode for the measure of humankind. The human potentialities and available choices within one ecological frame of humanity, the ancient Jewish one, are defined and explored by the talmudic rabbis. (As it happens, we know a great deal about the results.) This same question—the possibilities contained within the culture of ancient Judaism—is to be addressed to the diverse formations and structures of Judaism, at other times in its history besides that of late antiquity. But we have to learn how to do the work in some one place, and only then shall

[35] This point is especially important in the academic study of religions. I have spelled it out at some length in my lecture, "Stranger at Home," the inaugural lecture for the Department of Religious Studies at Arizona State University, Tempe, published by Arizona State University in October, 1979. The role of the academic study of religions in the maturing of students' educational and cultural perceptions and perspectives is what is analyzed in that paper.

[36] In a moment I make this banal statement much more specific.

we have a call to attempt it elsewhere. What we must do is first describe, then interpret. But what do we wish to describe?

I am inclined to think the task is to encompass everything deemed important by some one group, to include within, and to exclude from, its holy book, its definitive text: a system and its exclusions, its stance in a taxonomy of systems. For, on the surface, what they put in they think essential, and what they omit they do not think important. If that is self-evident, then the affirmative choices—which are not the only ones about which we know—are the ones requiring description and then interpretation. But what standpoint will permit us to fasten onto the whole and where is the fulcrum on which to place our lever? For given the size of the evidence, the work of description may leave us with an immense, and essentially pointless, task or repetition: saying in our own words what the sources say, perfectly clearly, in theirs. That is not an interesting task, even though, in some measure, it must be done.

So when I say that a large part of the work is to describe the worldview of the rabbis of the Mishnah and the Talmud, at best I acquire a license to hunt for insight. But I have not come closer to the definition of the task. What brings us closer, indeed, what defines the work as well as I am able, is the conception to which I have already alluded, the idea of a system, that is, a whole set of interrelated concerns and conceptions which, all together, both express a worldview and define a way of living for a particular group of people. (That word, system, yields a useful adjective, systemic: the traits pertinent to a system.) The work I do is to describe the system of the rabbis of the Mishnah and the Talmud. That is, I propose to bring to the surface the integrated conception of the world and of the way in which the people should live in that world. All in all, that system both defines and forms reality for Jews responsive to the rabbis.

Now all worth knowing about the rabbis and the Jews around them is not contained within their system, as they lay it out. There is, after all, the hard fact that the Jews did not have power fully to shape the world within which they lived out their lives and formed their social group. No one else did either. There were, indeed, certain persistent and immutable facts, which form the natural environment for their system. These facts do not change, but do have to be confronted. There are, for instance, the twin facts of Jewish powerlessness and minority status. Any system produced by Judaism for nearly

the whole of its history will have to take account of the fact that the group is of no account in the world. Another definitive fact is the antecedent heritage of Scripture and associated tradition, which define for the Jews a considerably more important role in the supernatural world than the natural world obviously affords them. These two facts, the Jews' numerical insignificance and political unimportance, and the Jews' inherited pretensions and fantasies about their own centrality in the history and destiny of the human race, created (and still create) a certain dissonance between a given Jewish worldview, on the one side, and the world to be viewed by the Jews, on the other. And so is the case for the rabbis of the Mishnah and the Talmud, and that seems to me a critical problem to be confronted in the talmudic system.[37]

But, as I have stressed, we cannot take for granted that what we think should define the central tension of a given system in fact is what concerns the people who did create and express that system. If we have no way of showing when our surmise may be wrong, then we also have no basis on which to verify our thesis as to the core and meaning of our system.[38] The result can be at best good guesses.[39] A mode for interpreting the issues of a system has therefore to be proposed.

One route to the interpretation of a system is to specify the sorts of issues it chooses to regard as problems, the matters it chooses for

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[37] The conception of an "ecology of religion" is spelled out as best I can in the third edition of my *Way of Torah: An Introduction to Judaism* (Duxbury Press, 1979). [But see now *The Ecology of Religion: From Writing to Religion in the Study of Judaism*. Nashville, 1989: Abingdon. Paperback edition: Atlanta, 1997: Scholars Press for South Florida Studies in the History of Judaism. The latest edition of *Way* furthermore sets forth the same view. The full publication history of that work is as follows: *The Way of Torah. An Introduction to Judaism*. Encino, 1970: Dickenson Publishing Co. In *Living Religion of Man* Series, edited by Frederick Streng. Second printing, 1971. Third printing, 1971. Second edition, revised, 1973. Third printing, 1976. Third edition, thoroughly revised, Belmont: 1979: Wadsworth Publishing Co. Third printing, l980. Fourth printing, 1982. Fifth printing, 1983. Sixth printing, 1985. Seventh printing, 1986. Fourth edition, completely revised and rewritten: 1988. Second printing: 1988. Third printing, 1990. Fourth printing: 1991. Fifth edition, revised and augmented: 1992. Sixth edition: in *Living Religion of Man* Series, edited by Charles Hallisey. Belmont, 1997:Wadsworth/Thompson International.]

[38] Furthermore, *if we cannot show it, we do not know it.* I am tired of the appeal to "it seems reasonable to suppose," and "this has the ring of truth," which fills the pages of talmudic history. It is just as weighty an argument as is the common criticism, "not persuasive."

[39] That is, pure subjectivity and impressionism. These can be avoided.

its close and continuing exegesis. When we know the things about which people worry, we have some insight into the way in which they see the world. So we ask, when we approach the Talmud, about its critical tensions, the recurring issues which occupy its great minds. It is out of concern with this range of issues, and not some other, that the Talmud defines its principal areas for discussion. Here is the point at which the great exercises of law and theology will be generated—here and not somewhere else. This is a way in which we specify the choices people have made, the selections a system has effected. When we know what people have chosen, we also may speculate about the things they have rejected, the issues they regard as uninteresting or as closed. We then may describe the realm of thought and everyday life they do not deem subject to tension and speculation. It is on these two sides—the things people conceive to be dangerous and important, the things they set into the background as unimportant and uninteresting—which provide us with a key to the culture of a community, or, as I prefer to put it, to the system constructed and expressed by a given group of people.

I have outlined what must appear to be a formidable and serious agendum for scholarly work. Yet the truth is otherwise.

The work of learning is not solemn but is like the play of children. It is an exercise in taking things apart and putting them back together again. It is a game of seeing how things work. If it is not this, then it is a mere description of how things are, and that is not engaging to active minds. If I do not have important questions to address to the facts in my hands—the documents which I study—then I am not apt to discover anything interesting. I am unlikely to make of the documents more than a statement of what already is in them. But the Talmud and its cognate literature have exercised a formidable and continuing power over the minds of the Jewish people for nearly twenty centuries. They contain the artifacts of a foreign culture, exhibiting distinctive traits, and capable of sustaining quiet searching scrutiny by scholars of culture. Therefore, merely saying what is in the Talmud and its cognate literature is not sufficient.

The central issues, those questions which generate insight worth sharing and understanding worth having, therefore are to be defined in these terms: What does the Talmud define as its central problems? How does the Talmud perceive the critical tensions of its world? We want to describe the solutions, resolutions, and remissions it poses for these tensions. We propose to unpack and then to put back

together again the worldview of the document. When we can explain how this system fits together and works, then we shall know something worth knowing.[40]

[40] I do not mean to suggest there are no problems in anthropological approaches and methods. For one thing, we address ourselves to historical data and seek to accomplish the interpretation of a world known through its literary remnants. But anthropologists tend to do a better job on living societies than on books. Leach and Douglas are exceptional, I think. Further, there is a range of questions I have not confronted here, specifically, about whether, when we speak of systems, we mean merely philosophico-religious ones—that is, intellectual constructs, or we refer also to social-cultural groups—"real people." The talmudic literature begins in Mishnah, which is an essentially theoretical account of a nonexisting world (see

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PART THREE

A THEOLOGICAL POST-SCRIPT

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CHAPTER NINE

WHY THE RABBIS ARE RIGHT: BEFORE AND AFTER THE ORAL TORAH

By "right," I mean, two things. First, do the sages of the Oral Torah accomplish their goal, which is to complete "the one whole Torah of our rabbi, Moses," by accurately interpreting the Written Torah? Second, do these same sages define the Torah for holy Israel in time to come? Let me unpack these two questions.

The theology of the Oral Torah in its union with the Written Torah, on the one side, and with the liturgy of synagogue and home life, on the other, defines Judaism's world view, the details in context of its way of life, its explanation of what, and who, is Israel. In their distinctive language and idiom, which in no way copied the language and reproduced the modes of discourse of Scripture, the sages of the Oral Torah accurately retold the story of the Written Torah. The liturgy of the synagogue and home, for its part, would rework modes of thought characteristic of the sages of the Oral Torah and re-frame clusters of categories that sages had formed to make their statement. That is why anyone who wishes to describe the principal characteristics of the religious world view of that Judaism, in proportion and balance, will find the prescription here. As a matter of historical fact, the sages of the Oral Torah both received and handed on the Torah of Moses at Sinai, just as they claim in tractate Abot 1:1.

This theological structure and system hold together both the historical, received teaching and the contemporary and future liturgical expression alike. Sages claimed through the oral tradition formulated in the documents of the Oral Torah to complement the written tradition and so to set forth for all time the one whole Torah of Moses, our rabbi, and past and future join to prove them right. That claim to state the Torah—in secular language, "here is Judaism, pure and simple"—constitutes sages' theological apologetics, an integral, logical component of their entire statement. And that fact shows us where—by their word, at least—to situate the Oral Torah

in the cartography of Judaism. On that map all roads but dead ends, coming from one side, lead into the Oral Torah; all roads but dead ends, coming from the other side, emerge from the Oral Torah.

Speaking descriptively, standing back and seeing things whole, can we concur? The answers to two questions place that theology into the context of the history of the Judaism continuous with the Oral Torah, fore and aft, and therefore validate sages' claim to stand at the vital center of the Torah.

1) *Before:* Are sages right about the written part of the Torah, meaning, is what they say the Written Torah says actually what the ancient Israelite Scriptures say? Will those who put forth the books of Genesis through Kings as a sustained narrative and those who in that same context selected and organized the writings of the prophets, Isaiah, Jeremiah, Ezekiel, and the twelve, in the aggregate have concurred in sages' structure and system? Certainly others who lay claim to these same Scriptures did not concur. At the time the sages did their greatest theological work, in the fourth and fifth century C.E., their Christian counterparts, in the Latin, Greek and Syriac speaking sectors of Christianity alike, not only read Scripture in a very different way but also accused the rabbis of falsifying the Torah. How would the sages have responded to the charge?

2) *After:* In the ages that have passed since the conclusion of the documents of the Oral Torah, has holy Israel's encounter with God in synagogue worship found its shape and principal expression in sages' re-presentation of the one whole Torah of Moses? How—on the basis of what evidence—do we know that it was, in particular, the sages' theology that animated the soul of faithful Israel in the prayerful encounter with God?

Accordingly, the question, framed merely descriptively, presses: did the sages get the past right, and did they effectively define the future? These two questions, the one concerning the written Torah or Scripture, therefore the *before* of the Oral Torah, the other, the one concerning synagogue liturgy and piety that flow around and from the Oral Torah, therefore its *after,* respond to the mediating situation of the Oral Torah. But what is that situation, meaning, where and how, in what context, do I propose to situate or locate (borrowing the Spanish, *localizar*) the Oral Torah?

My answer must appeal not to sequence ("history") and circumstance (sages' legislation concerning, and well-attested participation in synagogue life) but to the persistent point of insistence. The ques-

tion does not concern what came first and what then followed, purporting to account for matters by appeal to temporal-causative sequences.[1] And the question, further, is raised not for the merely adventitious fact that in temporal sequence, the Oral Torah reached written form in documents that all together come after the Written Torah had come to its ultimate statement but before the closure and systematization of the liturgy, from the ninth century C.E. Any of these approaches to explanation would provide a plausible answer to the question of the future: why did the course of the Torah realized in address to God in public worship take the route that it did? The sequential facts of history—first came this, then that, and finally, the other thing—do not explain the realities of faith.

My exposition of the theology of the Oral Torah claims to set forth normative theology; what represents sages' views is 1) an integrating logic, on the one side, and 2) a ubiquitous principle, on the other.[2] Consistent with the intellectual discipline that governs there, I maintain here that these realities too—the integral relationship between the two Torahs, on the one side, between the Torah and synagogue liturgy on the other—unfold in accord with their own inner logic, their own dialectic and its tensions.[3] That is to say, relationships fore and aft spin out their potentialities in the dialectic defined by the deep logic of theology that is built into the most profound levels of structure; the dynamics find motivation in the system's inexorable inertial forces. So I frame the question in my terms in this language: crossroads and meeting place, the Oral Torah forms the gateway to Scripture, in the one direction, the highway

[1] But it is the fact that sages discuss liturgy, whether the Shema, or The Prayer, or other rules of synagogue worship and conduct. But only a few liturgical compositions are attributed in the Oral Torah to the authorship of sages, and these always take their place around the fringes of the worship-service, never at the center. So while the Siddur and Mahzor in their principal parts speak with sages' approval, we require evidence that, in addition, they speak in behalf of sages in particular. Only with the evidence of that very particular kind can I claim that the Oral Torah takes up that mediating position that I impute to it.

[2] *The Theology of the Oral Torah*. Kingston and Montreal: 1998: McGill and Queens University Press.

[3] And identifying that logic allows us to determine what, within their own framework, sages set forth as normative and what they labeled, and tolerated, as schismatic.

opening outward into the long future of practiced piety, in the other—by what logic, by what admissible evidence?

Let me therefore spell out the localizing circumstances in which we address the matter. The faithful of Judaism through the ages reach Scripture through oral tradition recorded here, never encountering an unmediated Scripture (whether historically or philologically or archaeologically, for example). Moses is always *rabbenu,* "our rabbi," and Isaiah, "Rabbi Isaiah." Jacob looked into the present and described the future, and Abraham, Moses, and the prophets met God on the afternoon of the ninth of Ab in the year we now number as 70 and rebuked him for what he had done through the Romans. These realizations do not draw upon easy sentimentality or resort to figurative conceits. People acted upon them every day, built their lives around them, met God in them. Their concrete actions, the deprivations they accepted and humiliations they turned into validation—these attest to the palpable reality, for holy Israel, of the vision of the dual Torah. Have they been, and are they today, right in reaching the Written Torah through the path set out by the Oral one?

For their part, those who practice Judaism found their liturgy upon the theology set forth in that same oral tradition of Sinai. When holy Israel prays, people assume, the expresses in practical terms of "we" and "you" the relationship that is posited by the theology of the Oral Torah. That liturgy moreover takes place within the timeless world of enduring paradigms formulated by the Oral Torah. How people situated themselves to face, to speak to God uncovers the deepest corners of their soul. So the theology of the Oral Torah, further encompassing its realization in normative law, for Judaism compares with the brain and heart of man. For holy Israel, the Oral Torah defines the point of consciousness and cognition, the source of life, respectively. Is that so?

That is certainly how sages want us to see matters, for that is how they present them. Implicit in the apologetics that forms an integral part of the theology of the Oral Torah two judgments take up a constant presence.

First,—so this apologetics goes—sages are right about Scripture. That is to say, nearly every proposition they set forth, the main beams of the structure of faith they construct—all sets securely and symmetrically upon the written Torah. Proof-texts constantly take the

measure of the structure. That is why sages speak of the one whole Torah, in two media, correlative and complementary.

Second, sages' formulation of the Torah, the one whole Torah of Moses, our rabbi, defines holy Israel's relationship with God for all time to come. The very character of the prayers that holy Israel offers up in place of Temple sacrifices attests to that fact: the theology of the oral Torah is recapitulated in the liturgy of the synagogue. Sages teach Israel how to pray and what to say.

Accordingly—that is now sages' view—if we take up the Oral Torah and explore its theological structure and system, we meet Judaism, pure and simple. There we find its learning and its piety, what it knows about and hears from God, what it has to say to God. So much for the claim of theological apologetics.

The facts support it. Sages have not only history—the pivotal position of their writings in the temporal sequence from *before* to *after*—but also hermeneutics on their side. In their reading of the written Torah whole, in canonical context, as a record of life with God, they are right to say their story goes over the written Torah's story. Start to finish, creation through Sinai to the fall of Jerusalem, all perceived in the light of the prophets' rebuke, consolation, and hope for restoration, Scripture's account is rehearsed in the Oral Torah. All is in proportion and balance. Viewed as a systematic hermeneutics, the sages' theology accurately sets forth the principal possibility of the theology that is implicit in the written part of the Torah—to be sure, in a more systematic and cogent manner than does Scripture.[4]

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[4] If I were engaged in constructive systematic theology, not just the historical and descriptive kind, I should further claim that sages' is the only possible system that the Hebrew Scriptures can and will sustain. All other systems attached to those Scriptures then would be characterized as post-facto and spurious, based on an anti-hermeneutics. But whether or not other theologies built upon the Hebrew Scriptures may be deemed congruent with those Scriptures is not at issue here, only the claim that sages' is. Nonetheless, for theologians engaged in the necessary task of apologetics, I think a powerful case can be made in behalf of the precise congruity with Scripture, in proportion, balance, and also detail, of sages' re-telling of the Scriptural tale. Even here, in a merely-description of the theological system of the Oral Torah, it should be said that how sages diverge from Scripture in their basic theological structure and system I simply cannot discern. In my view, transcending the promiscuous use of proof-texts is the evidence on the surface of matters. At no point can I find important differences between the sages' and Scripture's respective theological systems and structures. In that sense, I should want in the right setting to argue that sages are right about the Written Torah (Christianity's Old Testament) and everyone else is wrong. That is because the

And, at the other end of the story, piety has certainly proved sages correct in their claim to define holy Israel's encounter with God for all time. The character of the liturgical life of the synagogue proves that sages' theology in particular—which is Scripture's theology—in important indicative traits of mind and of message defines holy Israel's approach to God in prayer. So when Israel hears God's message in the Oral Torah, it is listening to God's message in the Written Torah. And when Israel speaks to God in the liturgy of the synagogue and the private life as well, Israel addresses God as the Oral Torah's theology shapes that address, to be sure in language that accommodates the circumstance of worship.

First of the two considerations: why do I maintain that the sages are right about Scripture? It is because, start to finish, the Oral Torah builds its structure out of a reading of the Written Torah. Sages read from the Written Torah forward to the Oral Torah. That is not only attested by the superficial character of proof-texting, but by the profound congruence of the theology of the Oral Torah with the course of the Scriptural exposition. Any outline of Scripture's account begins with creation and tells about the passage from Eden via Sinai and Jerusalem to Babylon—and back. It speaks of the patriarchal founders of Israel, the Exodus, Sinai, the Torah, covenants, Israel, the people of God, the priesthood and the tabernacle, the possession of the Land, exile and restoration. And so too has this outline of the Oral Torah's theology focused upon all of these same matters. True, sages proportion matters within their own logic, laying heaviest emphasis upon perfection, imperfection, and restoration of perfection to creation, focusing upon Israel, God's stake in humanity.

The theological structure and system appeal to the perfection of creation and account for imperfection by reference to the fall of man into sin by reason of arrogant rebellion and into death in consequence. They tell the story of the formation of holy Israel as God's

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sages read outward and forward from Scripture, and the other, competing heirs of Scripture read backward to Scripture. So, in that simple sense, sages say what Scripture means, and no one else does. A very concise and convenient recapitulation of the theology of the Israelite Scriptures read whole is set forth by Karl-Johan Illman, in J. Neusner, Alan J. Avery-Peck, and William Green, eds., *The Encyclopaedia of Judaism* (Leiden, 1999: E. J. Brill), two volumes, s.v., "Theology in the Hebrew Scriptures."

party in humanity, signified by access to knowledge of God through God's self-manifestation in the Torah. They then present the exile Israel from and to the Land of Israel as the counterpart to the exile of Adam from Eden and the return of Israel to the Land. Therefore main beams of the Hebrew Scripture's account of matters define the structure of the Oral Torah's theology. The generative tensions of the Hebrew Scripture's narrative empower the dynamics of that theology.

A few obvious facts suffice. Take the principal propositions of Scripture read in sequence and systematically, meaning, as exemplary, from Genesis through Kings. Consider the story of the exile from Eden and the counterpart exile of Israel from the Land. Sages did not invent that paradigm. Scripture's framers did. Translate into propositional form the prophetic messages of admonition, rebuke, and consolation, the promise that as punishment follows sin, so consolation will come in consequence of repentance. Sages did not fabricate those categories and make up the rules that govern the sequence of events. The prophets said them all. Sages only recapitulated the prophetic propositions with little variation except in formulation. All sages did was to interpret within the received paradigm the exemplary events of their own day, the destruction of Jerusalem and Israel's subjugation in particular. But even at that they simply asked Scripture's question of events that conformed to Scripture's pattern. Identify as the dynamics of human history the engagement of God with man, especially through Israel, and what do you have, if not the heart of sages' doctrine of the origins and destiny of man. Review what Scripture intimates about the meaning and end of time, and how much do you miss of sages' eschatology of restoration? Details, amplifications, clarifications, an unsuccessful effort at systematization—these do not obscure the basic confluence of sages' and Scripture's account of last things (even though, as I said, the word "last" has its own meaning for sages).

Nor do I have to stress the form that sages impart to their propositions, nearly everything they say being joined to a verse of Scripture. That is not a formality. Constant citations of scriptural texts cited as authority serve merely to signal the presence of a profound identity of viewpoint. The cited verses are not solely pretexts or formal proof-texts. A hermeneutics governs, dictating the course of exegesis. Sages cite and interpret verses of Scripture to show where and

how the written Torah guides the oral one, supplying the specificities of the process of recapitulation. And what sages say about those verses originates not in the small details of those verses (such as Aqiba was able to interpret to Moses's stupefaction) but in the large theological structure and system that sages framed.

That is why I insist that the hermeneutics defined the exegesis, the exegesis did not define the hermeneutics—as I have shown many times in my systematic analysis of the various Midrash-compilations.[5] In most of the Midrash-compilations of the Oral Torah it is the simple fact that sages read from the whole to the parts, from the Written part of the Torah outward to the Oral part, as we shall observe in a moment. That explains why nothing arbitrary or merely occasional, nothing ad hoc or episodic or notional characterized sages reading of Scripture, but a theology, formed whole in response to the whole. That explains why the sages did not think they imputed to Scripture meanings not actually there, and this account of their theology proves that they are right.

Sages read Scripture as a letter written that morning to them in particular about the world they encountered. That is because for them the past was forever integral to the present. So they looked into the Written part of the Torah to construct the picture of reality that is explained by world-view set forth in the Oral part of the Torah. They found their questions in Scripture; they identified the answers to those questions in Scripture; and they then organized and interpreted the contemporary situation of holy Israel in light of those questions and answers. To that process the narrow focus of atomistic exegesis proves monumentally irrelevant, indeed, even incongruous. For the very category, proof-text, reduces that elegant theology of the here and now to the trivialities of grammar or spelling or other nonsense-details. It demeans sages' intellectual honesty, such as, on every page of the Talmud of Babylonia among many documents, is affirmed and attested by the very character of discourse.

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[5] To give a single example, I point to *Judaism and Scripture: The Evidence of Leviticus Rabbah*. Chicago, 1986: The University of Chicago Press. I have dealt systematically with the atomistic reading of the Midrash-compilations in *The Documentary Foundation of Rabbinic Culture. Mopping Up after Debates with Gerald L. Bruns, S. J. D. Cohen, Arnold Maria Goldberg, Susan Handelman, Christine Hayes, James Kugel, Peter Schaefer, Eliezer Segal, E. P. Sanders, and Lawrence H. Schiffman*. Atlanta, 1995: Scholars Press for South Florida Studies in the History of Judaism.

And it misses the fact that Scripture's corpus of facts, like nature's, was deemed to transcend the bonds of time. That explains why sages found in Scripture the main lines of structure and system that formed the architecture of their theology.

And it accounts for the fact that, in the heavenly academy to which corner of Eden imagination carried them, the great sages could amiably conduct arguments with God and with Moses. Not only so, but they engage in on-going dialogue with the prophets and psalmists and the other saints of the written Torah as well as with those of their masters and teachers in the oral tradition who reached Eden earlier (much as entire legions of participants in the Oral Torah in recent centuries aspire to spend an afternoon in Eden with Moses Maimonides). A common language joined them all, for in their entire engagement with the written part of the Torah, sages mastered every line, every word, every letter, sorting matters of the day out in response to what they learned in the written tradition.

That explains why we may justifiably say that on every page of the writings of the Oral Torah we encounter the sages' encompassing judgment of, response to, the heritage of ancient Israel's Scripture. There they met God, there they found God's plan for the world of perfect justice, the flawless, eternal world in stasis, and there in detail they learned what became of that teaching in ancient times and in their own day, everything seen in the same way. The result is spread out in the pages of this book: sages' account of the Torah revealed by God to Moses at Sinai and handed on in tradition through the ages.

Now if we ask, what if, in the timeless world of the Torah studied in the same heavenly academy, Moses and the prophets, sages, and scribes of Scripture were to take up the results of oral tradition produced by their heirs and successors in the oral part of the Torah? the answer is clear. They would have found themselves hearing familiar words, their own words, used by honest, faithful men, in familiar, wholly legitimate ways. When, for example, Moses heard in the tradition of the Oral Torah that a given law was a law revealed by God to Moses at Sinai, he may have kept his peace, though puzzled, or he may have remembered that, indeed, that is how it was, just so. In very concrete, explicit language the sages themselves laid their claim to possess the Torah of Moses. We recall how impressed Moses is by Aqiba, when he observed, from the rear of the study hall, how Aqiba was able to interpret on the basis of each point

of the crowns heaps and heaps of laws. But he could not follow the debate and felt faint until he heard the later master declare, "It is a law given to Moses from Sinai," and then he regained his composure (Bavli tractate Menahot 3:7 II.5/29).

So it is entirely within the imaginative capacity of the Oral Torah to raise the question: what came before in relationship to what we have in hand? To state the matter more directly, are the rabbis of the Oral Torah right in maintaining that they have provided the originally-oral part of the one whole Torah of Moses our rabbi? To answer that question in the affirmative, sages would have only to point to their theology in the setting of Scripture's as they grasped it. The theology of the Oral Torah tells a simple, sublime story.
1) God created a perfect, just world and in it made man in his image, equal to God in the power of will.
2) Man in his arrogance sinned and was expelled from the perfect world and given over to death. God gave man the Torah to purify his heart of sin.
3) Man educated by the Torah in humility can repent, accepting God's will of his own free will. When he does, man will be restored to Eden and eternal life.

In our terms, we should call it a story with a beginning, middle, and end. In sages' framework, we realize, the story embodies an enduring and timeless paradigm of humanity in the encounter with God: man's powerful will, God's powerful word, in conflict, and the resolution thereof.

But if about the written Torah I claim sages were right, then what about the hermeneutics of others? If the sages claimed fully to spell out the message of the written Torah, as they do explicitly in nearly every document and on nearly every page of the Oral Torah, so too did others. And those others, who, like the sages, added to the received Scripture other writings of a (to-them) authoritative character, set forth not only the story of the fall from grace that occupied sages but, in addition, different stories from those the sages told. They drew different consequences from the heritage of ancient Israel. Sages' critics will find their account not implausible but incomplete, a truncated reading of Scripture. They will wonder about leaving out nearly the entire apocalyptic tradition.[6]

[6] That is with two exceptions, for, so far as that tradition can be naturalized into the framework established by sages' structure and system, sages do so, as in

But, in the balance, sages' critics err. For no one can reasonably doubt that sages' reading of Scripture recovers, in proportion and accurate stress and balance, the main lines of Scripture's principal story, the one about creation, the fall of man and God's salvation of man through Israel and the Torah. In familiar, though somewhat gauche, language, "Judaism" really is what common opinion thinks it is, which is, "the religion of the Old Testament." If, as Brevard Childs states, "The evangelists read from the New [Testament] backward to the Old,"[7] we may say very simply, and, when I say, the sages were right, this is what I claim to have shown in this theology: *the sages read from the written Torah forward to the oral one.*

So much for the *before* part of the Oral Torah. What about the *after* defined by synagogue piety? If sages were right about the past, they assuredly commanded the future. In every synagogue in the world that addresses God in the words of the classical Prayerbook, the *Siddur* (and associated liturgies of synagogue and home), that privileges the Pentateuch and aspires to live by its law, the theology of the Oral Torah imparts shape and structure to holy Israel's address to God. We know that that is so, because sages' distinctive modes of thought and the connections that they made, the clusters of categories they formed and the connections they drew between one thing and another, would account for the character of Israel's liturgy. That is why I claim that, in the practiced piety of worship, not only is the Written Torah mediated through the Oral, but the act and attitude of prayer are given theological substance in modes of thought particular to sages and in symbolic formulations distinctive to their account of God and the world. Accordingly, I am justified in claiming (in the language of history) that sages shaped the future of Judaism as much as they mediated its past.[8]

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the case of Daniel. Second, they take over as fact and accept apocalyptic expectations, as with the war of Gog and Magog.

[7] *Biblical Theology of the Old and New Testaments,* p. 720.

[8] But whether or not the same sages who formed the Oral Torah bear principal responsibility, also, for the character of synagogue liturgy as we know it has no bearing upon my argument. Many take for granted that they do. For reasons spelled out in this part of the chapter, I concur. But when I claim that the theology of the Oral Torah is realized in the liturgy of the synagogue, that is not a historical-temporal but a theological judgment. Why do I think it also is a historical fact? Certainly, the sages in the Oral Torah evinced the ambition to define the liturgy. Their *halakhah*

At every point in my theological exposition readers familiar with the principal parts of the synagogue's order of worship ought to have found themselves on familiar ground. For the order of prayer (*matbe'a shel tefillah*), with 1) recitation of the *Shema* ("Hear O Israel") with blessings fore and aft, 2) of the Eighteen Benedictions of The Prayer, and 3) the exit-prayer, *Alenu* ("It is incumbent upon us...") rehearse in ways appropriate to the circumstance of prayer principal propositions about creation, revelation, and redemption, God, Torah, and Israel, that, in their theology the sages worked out. But that allegation is far too general to suffice. As already adumbrated, in fact I identify as the definitive contribution of the Oral Torah very particular traits of mind, on the one side, and formations of distinctive clusters of ideas, on the other. These recapitulate the theology of the Oral Torah and impart to the liturgy the sages' indicative marker; intellectual traits of particular liturgies match modes of thought uniquely characteristic of the Oral Torah. Motifs or symbols or myths join together in conformity to the patterns established by the Oral Torah but (by definition) not by the Written Torah. These two traits prominent in the liturgy of synagogue and home point toward the conclusion offered at the outset, that the Oral Torah exercised a particular and highly distinctive—and therefore the formative—influence upon the encounter between Israel and God that acts of faith and piety bring about.[9]

As to the dominance of modes of thought characteristic of sages

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extends to the order of common worship, defining its principal parts. The *aggadah* contains compositions of prayers in the name of various sages, and some of these are incorporated in the liturgy—the Siddur and Mahzor, the prayer-books for everyday, Sabbath, and festivals, on the one side, and for the Days of Awe, on the other. But whether or not the sages of the Oral Torah bear responsibility for the liturgy as it is first attested in detail is another question, and one that, as I said, has no bearing upon my claim in behalf of the sages' theology and its impact. That claim forms an intellectual judgment about the power of ideas, not a historical one about the politics of public worship and who was in control thereof. The detailed wording of both the Siddur and the Mahzor is first attested centuries after the close of the Talmud of Babylonia, but the fixed order of prayer, as we know that order of prayer in the earliest written Siddurim conforms to the law of the Talmud. Some prayers in both documents are assigned in the Talmud to named sages; others are merely alluded to, without a clear claim of sages' authorship in particular. But my point of insistence, that the liturgy responds to sages' theology, is to be evaluated in its own framework, which is phenomenological, not historical.

[9] It seems to me self-evident that, when it comes to generative modes of thought and distinctive clusters of motifs, we do well to limit our inquiry into formative influences to the dual Torah.

in particular: in the liturgy, a timeless world of past, present, and future meet. That is how the sages to recast history into paradigm.[10] We recall how the sages re-framed Scripture's history into laws governing the social order, turning events from singular, sequential, one-time and unique happenings into exemplary patterns. These, we recall, encompass the past within the present and join future, present and the past onto a single plane of eternity. It is that mode of thought that brings about the formation of liturgies that have all the ages meet in one place, the great themes of existence coming together to reshape a very particular moment. It is that same mode of thought, moreover, that insists on the union of the public and the private, the communal and the individual, all things subject to the same principle, explained in the same way. Liturgies that form the intersection of events out of widely separated periods in the Scriptural narrative, the gathering of persons who in Scripture do not meet, realize sages' way of seeing Scripture.[11]

Two private liturgies exemplify the paradigmatic, as against the historical, formulation of matters. First, the particularly rabbinic mode of thought characterizes the prayer for the wedding of an Israelite man and woman, joining in one statement the motifs of creation, Adam, Eve, and Eden, the fall of Israel from the Land of Israel, and the hoped-for restoration of man to Eden and Israel to Jerusalem and the Land. The whole takes place out of time, in that "dream-time" characteristic of the theology of the Oral Torah. At a single moment the ages meet, discrete events intersect. Here we find fully exposed the matter of life in that timeless world of an ever-present past. So too, the private and the public meet as well when a new family begins. Individual lover and beloved celebrate the uniqueness, the privacy of their love. They turn out to stand for Adam and Eve and to represent the very public hope for the restoration of Israel to the perfection of Eden in the Land. That imposes upon their love a heavy burden for the young, infatuated couple.

Here is where the liturgy takes theological modes of thought and casts them into moments of realization and reprise. What is striking

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[10] I spell this matter out in "Historical and Paradigmatic Thinking in Judaism," *History and Theory*, October, 1997.

[11] A fair test of this allegation of the particularity of sages' reading will address the liturgies found in the library at Qumran and compare those of the synagogue with the prayers that the group represented by that library offered. Other such tests are readily to be imagined.

is how the theme of Eden and alienation, Land of Israel and exile, so typical of the theology of the Oral Torah, is reworked into a new pattern: from the loneliness and exile of the single life to the Eden and Jerusalem of the wedding canopy. So while theme of exile and return is recapitulated, now it is reshaped by message that the joy of the bride and groom—standing, after all, for Israel and God, is a foretaste of what is last, that final reprise of creation, now in eternal perfection. Adam at the end time, the Temple restored, Jerusalem rebuilt—that peculiar tableau certainly stands for sages' conception in particular. The personal and the public join, the individuals before us embody and reenact the entirety of Israel's holy life, past to future:

> Praised are You, O Lord our God, King of the universe, Creator of the fruit of the vine.
> Praised are You, O Lord our God, King of the universe, who created all things for Your glory.
> Praised are You, O Lord our God, King of the universe, Creator of Adam.
> Praised are You, O Lord our God, King of the universe, who created man and woman in his image, fashioning woman from man as his mate, that together they might perpetuate life. Praised are You, O Lord, Creator of man.
> May Zion rejoice as her children are restored to her in joy. Praised are You, O Lord, who causes Zion to rejoice at her children's return. Grant perfect joy to these loving companions, as You did to the first man and woman in the Garden of Eden. Praised are You, O Lord, who grants the joy of bride and groom.
> Praised are You, O Lord our God, King of the universe, who created joy and gladness, bride and groom, mirth, song, delight and rejoicing, love and harmony, peace and companionship. O Lord our God, may there ever be heard in the cities of Judah and in the streets of Jerusalem voices of joy and gladness, voices of bridge and groom, the jubilant voices of those joined in marriage under the bridal canopy, the voices of young people feasting and signing.
> Praised are You, O Lord, who causes the groom to rejoice with his bride.[12]

The blessings speak of archetypal Israel, represented here and now

[12] *A Rabbi's Manual*, ed. by Jules Harlow (New York: The Rabbinical Assembly, 1965), p. 45. The "seven blessings: said at a wedding are printed in traditional Jewish prayer books. All of the translations of liturgies set forth here derive from Rabbi Harlow's superlative translations.

by the bride and groom. They cover the great themes of the theology of the Oral Torah, excluding only one that does not fit. We find creation, Adam, man and woman in his image, after his likeness; then comes the restoration of Israel to Zion; then the joy of Zion in her children and the loving companions in one another; then the evocation of the joy of the restoration—past, present, future, all in the here and now. The sole critical component of the theology of the Oral Torah omitted here concerns justice, on the one side, sin, repentance, and atonement, on the other. That omission attests once more to sages' fine sense of what fits and what does not.

The theme of ancient paradise is introduced by the simple choice of the word *Adam*, just as we should expect. The myth of man's creation is rehearsed: man and woman are in God's image, together complete and whole, creators of life, "like God." Woman was fashioned from man together with him to perpetuate life. But this Adam and this Eve—as we should expect in a Rabbinic document!—also are Israel, children of Zion the mother, as expressed in the fifth blessing. Israel is in exile, Zion lies in ruins. It is at that appropriate point that the restorationist motif enters: "Grant perfect joy to the loving companions," for they are creators of a new line in mankind—the new Adam, the new Eve—and their home—May it be the garden of Eden. And if joy is there, then "praised are you for the joy of bride and groom."

The concluding blessing returns to the theme of Jerusalem. Given the focus of the system as a whole, that hardly presents a surprise. For the union of bridegroom and bride provides a foretaste of the new Eden that is coming. But that is only at the right moment, in the right setting, when Israel will have repented, atoned, and attained resurrection and therefore restoration to Eden/the world to come. How is all this invoked? The liturgy conveys these motifs when it calls up the tragic hour of Jerusalem's first destruction. When everyone had given up hope, supposing with the end of Jerusalem had come the end of time, exile, the anti-Eden, only Jeremiah counseled renewed hope. With the enemy at the gate, he sang of coming gladness:

> Jeremiah 33:10-11
> Thus says the Lord:
>
> > In this place of which you say, "It is a waste, without man or beast," in the cities of Judah and the streets of Jerusalem that are desolate, without man or inhabitant or beast,

> There shall be heard again the voice of mirth and the voice of gladness, the voice of the bridegroom and the voice of the bride, the voice of those who sing as they bring thank-offerings to the house of the Lord. . . For I shall restore the fortunes of the land as at first, says the Lord.

The intersection of characteristic motifs creates a timeless tableau. Just as here and now there stand before us Adam and Eve, so here and now in this wedding, the olden sorrow having been rehearsed, we listen to the voice of gladness that is coming. The joy of this new creation prefigures the joy of the Messiah's coming, inaugurating the resurrection and judgment and the final restoration. The joy then will echo the joy of bride and groom before us. So the small space covered by the marriage-canopy is crowded indeed with persons and events. People who think historically and not paradigmatically can commemorate and celebrate. But they cannot embody, or even exemplify, eternity in the here and now, the presence and past and future all at once. In this context, only the sages of the Oral Torah have formed a mode of thought that is capable of imagining such a convocation of persons and concatenation of events.

The same mode of thought marks other liturgies that celebrate events of the life-cycle. The entry of the male-child into the covenant of Abraham through the rite of circumcision, yet another moment that is intensely personal (to the infant) and massively public (to all Israel), forms another moment of timeless eternity. Specifically, in the case of a boy-child a minor surgical rite becomes the mark of the renewal of the agreement between God and Israel, the covenant carved into the flesh of the penis of every Jewish male—and nothing less. The beginning of a new life renews the rule that governs Israel's relationship to God. So the private joy is reworked through words of enchantment—once more, sanctification—and so transformed into renewal of the community of Israel and God. Those present find themselves in another time, another place. Specific moments out of the past are recapitulated, and specific personalities called to attendance. In the present instant, eternity is invoked at the moment of cutting off the foreskin of the penis. Calling the rite, *berit milah,* the covenant of or effected through the rite of circumcision, invites Abraham to attend. *Berit milah* seals with the blood of the infant son the contract between Israel and God, generation by generation, son by son.

The words that are said evoke in the intimacy of the private life

the being that all share together: Israel, its covenant with God, its origin in Abraham, Isaac, Jacob. In the rite God sees the family beyond time, joined by blood of not pedigree but circumcision, genealogy framed by fifty generations of loyalty to the covenant in blood and birth from the union of the womb of the Israelite woman with the circumcised penis of her Israelite husband: this is the holy fruit of the womb. There are four aspects in which the operation is turned into a rite. When the rite begins, the assembly and the *mohel* together recite the following:

> The Lord spoke to Moses saying, Phineas, son of Eleazar, son of Aaron, the priest, has turned my wrath from the Israelites by displaying among them his passion for me, so that I did not wipe out the Israelite people in my passion. Say therefore I grant him my covenant of peace.

Commenting on this passage, Lifsa Schachter states, "Phineas is identified with zealously opposing the...sins of sexual licentiousness and idolatry. He is best known for an event which occurred when the Israelites, whoring with Moabite women in the desert, were drawn to the worship of Baal-Peor...Phineas leaped into the fray and through an act of double murder...quieted God's terrible wrath."[13]

Second, a chair is set called "the chair of Elijah," so that the rite takes place in the presence of a chair for Elijah, the prophet. The newborn son is set on that chair, and the congregation says, "This is the chair of Elijah, of blessed memory." Elijah had complained to God that Israel neglected the covenant (I Kings 19:10-14). So he comes to bear witness that Israel observes the covenant of circumcision. Then before the surgical operation a blessing is said. Third, after the operation a blessing is said over a cup of wine. To understand the invocation of Elijah, for whom we set a chair, we first recall the pertinent biblical passage:

> 1 Kings 19:10-14
> Suddenly the word of the Lord came to him: "Why are you here, Elijah?"
> "Because of my great zeal for the Lord the God of hosts," he said. "The people of Israel have forsaken your covenant, torn down your altars, and put your prophets to death with the sword. I alone am left, and they seek to take my life."
> The answer came: "Go and stand on the mount before the Lord."
> For the Lord was passing by: a great and strong wind came rending

[13] Lifsa Schachter, "Reflections on the Brit Mila Ceremony," *Conservative Judaism* 1986, 38:38-41.

> mountains and shattering rocks before him, but the Lord was not in the wind; and after the wind there was an earthquake, but the Lord was not in the earthquake; and after the earthquake fire; but the Lord was not in the fire; and after the fire a still small voice.
> When Elijah heard it, he muffled his face in his cloak and went out and stood at the entrance of the cave. Then there came a voice: "Why are you here, Elijah?"
> "Because of my great zeal for the Lord God of hosts," he said. "The people of Israel have forsaken your covenant, torn down your altars, and put your prophets to death with the sword. I alone am left, and they seek to take my life."

This passage stands behind the story told in a medieval document, *Pirke deRabbi Eliezer*, that Elijah attends the rite of circumcision of every Jewish baby boy:[14]

> Pirke deRabbi Eliezer, ed. Friedlander, pp. 212-214
> The Israelites were wont to circumcise until they were divided into two kingdoms. The kingdom of Ephraim cast off from themselves the covenant of circumcision. Elijah, may he be remembered for good, arose and was zealous with a mighty passion, and he adjured the heavens to send down neither dew nor rain upon the earth. Jezebel heard about it and sought to slay him.
> Elijah arose and prayed before the Holy One, blessed be he. The Holy One, blessed be he, said to him, "'Are you better than your fathers' (1 Kgs. 19:4)? Esau sought to slay Jacob, but he fled before him, as it is said, 'And Jacob fled into the field of Aram' (Hos. 12:12).
> "Pharaoh sought to slay Moses, who fled before him and he was saved, as it is said, Now when Pharaoh heard this thing, he sought to slay Moses. 'And Moses fled from the face of Pharaoh' (Ex. 2:15).
> "Saul sought to slay David, who fled before him and was saved, as it is said, 'If you save not your life tonight, tomorrow you will be killed' (1 Sam. 19:11)."
> Another text says, "And David fled and escaped" (1 Sam. 19:18). Learn that everyone who flees is said.
> Elijah, may he be remembered for good, arose and fled from the land of Israel, and he betook himself to Mount Horeb, as it is said, 'and he arose and ate and drank' (1 Kings 19:8).
> Then the Holy One, blessed be he, was revealed to him and said to him, "What are you doing here, Elijah"?
> He answered him saying, "I have been very zealous."

[14] *Pirke deRabbi Eliezer*, trans. by Gerald Friedlander (London, 1916), pp. 212-214.

> The Holy One, blessed be he, said to him, "You are always zealous. You were zealous in Shittim on account of the immorality. For it is said, 'Phineas, the son of Eleazar, the son of Aaron the priest, turned my wrath away from the children of Israel, in that he was zealous with my zeal among them' (Num. 25:11).
> "Here you are also zealous, By your life! They shall not observe the covenant of circumcision until you see it done with your own eyes." Hence the sages have instituted the custom that people should have a seat of honor for the messenger of the covenant, for Elijah, may he be remembered for good, is called the messenger of the covenant, as it is said, 'And the messenger of the covenant, whom you delight in, behold he comes' (Mal. 3:1).

So too the "messenger of the covenant" (Malachi 1:23) is the prophet Elijah, and he is present whenever a Jewish son enters the *covenant* of Abraham, which is circumcision. God therefore ordered him to come to every circumcision so a to witness the loyalty of the Jews to the covenant. Elijah then serves as the guardian for the newborn, just as he raised the child of the widow from the dead (1 Kgs. 17:17-24). Along these same lines, on the Seder table of Passover, a cup of wine is poured for Elijah, and the door is opened for Elijah to join in the rite. Setting a seat for Elijah serves to invoke the presence of the guardian of the newborn and the zealous advocate of the rite of the circumcision of the covenant. Celebrating with the family of the newborn are not "all Israel" in general, but a very specific personage indeed. The gesture of setting the chair silent sets the stage for an event in the life of the family not of the child alone but of all Israel. The chair of Elijah, filled by the one who holds the child, sets the newborn baby into Elijah's lap. The enchantment extends through the furnishing of the room; what is not ordinarily present is introduced, and that makes all the difference.

We move, third, from gesture to formula, for there is a the blessing said before the rite itself, that is, as the *mohel* takes the knife to cut the foreskin, these words are said:

> Praised are You . . . who sanctified us with Your commandments and commanded us to bring the son into the covenant of Abraham our father.

The explicit invocation of Abraham's covenant turns the concrete action in the here and now into a simile of the paradigm and archetype. The operation done, fourth, the wine is blessed, introducing yet a further occasion of enchantment:

> Praised are You, Lord our God, who sanctified the beloved from the womb and set a statute into his very flesh, and his parts sealed with the sign of the holy covenant. On this account, Living God, our portion and rock, save the beloved of our flesh from destruction, for the sake of his covenant placed in our flesh. Blessed are You . . . who makes the covenant.

The covenant is not a generality; it is specific, concrete, fleshly. It is moreover meant to accomplish a very specific goal—as all religion means to attain concrete purposes—and that is to secure a place for the child, a blessing for the child. By virtue of the rite, the child enters the covenant, meaning that he joins that unseen "Israel" that through blood enters an agreement with God. Then the blessing of the covenant is owing to the child. For covenants or contracts cut both ways.

After the father has recited the blessing, "...who has sanctified us by his commandments and has commanded us to induct him into the covenant of our father, Abraham," the community responds: "just as he has entered the covenant, so may he be introduced to Torah, the *huppah* [marriage canopy] and good deeds." Schachter interprets those who are present as follows:

> In the presence of Elijah...Torah—as against idolatry; in the presence of Phineas....huppah, as against sexual licentiousness; in the presence of Abraham...to good deeds: "For I have singled him out that he may instruct his children and his posterity to keep the way of the Lord by doing what is just and right" (Gen. 18:18).[15]

In the transformation of the *now* of the birth of the son into the *then* of Abraham's covenant with God, people make a public event of a private joy. Many join the occasion: Elijah complaining to God, Abraham obediently circumcising his sons, Phineas, calming God's wrath by an act of violence, with whom a covenant of peace then is made.

So much for the way in which sages' mode of thought shapes the liturgy, imposing in concrete and personal form the pattern of an ever-present past upon the present and turning present-tense time into paradigm of what will be. What of those distinctive clusters of themes that the theology of the Oral Torah calls together?[16] A glance

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[15] *op. cit.*, p. 41.

[16] In *The Theological Grammar of the Oral Torah*. Binghamton, 1997: SUNY Press. II. *Syntax: Connections and Constructions*, I have catalogued one hundred fifty of them.

at the *huppah*-liturgy defines what we should expect: Adam/Creation/Israel/Zion (=land of Israel); or joy/Jerusalem; or image of God/image of man. Other such clusters will encompass Israel/gentile, this age/world to come, Eden/world to come, and so on. But the Oral Torah yields a limited number of archetypal clusters, allowing for a nearly unlimited number of recombinations thereof. Within this theory of the character of the Oral Torah's theology, a certain few clusters should suffice to animate the liturgy. A determinate list ought to supply reference-points, that is, to encompass the liturgy within the boundaries of the Oral Torah in particular.

Let us begin with a simple test. We may offer the following hypothesis. If the Oral Torah imparts shape and structure to the liturgy, then, whenever Israel the holy people forms the focus of prayer, the gentiles must figure as well—and the same theory that defines the one has also to explain the other. To test that theory, we turn to the prayer, *Alenu,* recited at the conclusion of every act of public worship, three times daily, when the congregation, having embodied holy Israel, prayers to depart. At the conclusion of worship, Israel thanks God for making Israel what it is: unlike the gentiles, following a unique destiny. This prayer, celebrating Israel's difference as destiny but looking forward to the end of that difference, simply restates in terms of "you" the theology of Israel and the gentiles that defines as "Israel" those who know God through the Torah and will live forever, and as "gentiles" idolaters, who reject the Torah and rebel against God:

> Let us praise Him, Lord over all the world;
> Let us acclaim Him, Author of all creation.
> He made our lot unlike that of other peoples;
> He assigned to us a unique destiny.
> We bend the knee, worship, and acknowledge
> The King of kings, the Holy One, praised is He.
> He unrolled the heavens and established the earth;
> His throne of glory is in the heavens above;
> His majestic Presence is in the loftiest heights.
> He and no other is God and faithful King,
> Even as we are told in His Torah:
> Remember now and always, that the Lord is God;
> Remember, no other is Lord of heaven and earth.

So much for Israel, thanking God for making it what it is, God's assembly. Then predictably, gentiles must follow. Here Israel prays

for the end of idolatry, at which point the gentiles will cease to be gentile and become no other than Israel, living in God's kingdom. Integral to the same prayer is the next paragraph:

> We, therefore, hope in You, O Lord our God,
> That we shall soon see the triumph of Your might,
> That idolatry shall be removed from the earth,
> And false gods shall be utterly destroyed.
> Then will the world be a true kingdom of God,
> When all mankind will invoke Your name,
> And all the earth's wicked will return to You.
> Then all the inhabitants of the world will surely know
> That to You every knee must bend,
> Every tongue must pledge loyalty.
> Before You, O Lord, let them bow in worship,
> Let them give honor to Your glory.
> May they all accept the rule of Your kingdom.
> May You reign over them soon through all time.
> Sovereignty is Yours in glory, now and forever.
> So it is written in Your Torah:
> The Lord shall reign for ever and ever.[17]

The unique, the particular, the private become testimonies of divine sovereignty, pertinent to all people. When God's will will be done, then all people will recognize that the unique destiny of Israel is intended for everyone. Israel by the theological definition will be no more, because everyone will be Israel. Here, then, the complementary antonym, Israel/gentile, recapitulates sages' theory of the gentiles and idolatry within their theology of Israel and the Torah. And, as we see, it is in so many words: "false gods...utterly destroyed... kingdom of God...all mankind invoke...," and the like.

So much for a cluster that fits naturally its two opposed components. But in the main the theology of the Oral Torah exhibits no marked or sustained preference for antonymic or binary constructions. Rather, its intellectual ambition encompasses the power to combine many components into a single narrative statement. Creation, revelation, redemption form one such paramount cluster, land, liberation, covenant, Torah, another; Israel, Land of Israel, Jerusalem, restoration, a third; and so on. Above all, we must wonder,

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[17] *Weekday Prayer Book*, ed. by the Rabbinical Assembly of America Prayerbook Committee, Rabbi Jules Harlow, Secretary (New York: Rabbinical Assembly, 1962), pp. 97-98.

how do the several salvific symbols fit together in the larger mythic structure of creation, revelation, and redemption? In the Grace after Meals, recited whenever pious Jews eat bread, we see their interplay. To understand the setting, we must recall that in classical Judaism the table at which meals were eaten was regarded as the equivalent of the sacred altar in the Temple. Judaism taught that each Jew before eating had to attain the same state of ritual purity as the priest in the sacred act of making a sacrifice. So in the classic tradition the Grace after Meals is recited in a sacerdotal circumstance. That is why the entire theology of the Oral Torah comes to realization in this single, simple liturgy. I mark off its principal parts.

1) Blessed art Thou, Lord our God, King of the Universe, who nourishes all the world by His goodness, in grace, in mercy, and in compassion: He gives bread to all flesh, for His mercy is everlasting. And because of His great goodness we have never lacked, and so may we never lack, sustenance—for the sake of His great Name. For He nourishes and feeds everyone, is good to all, and provides food for each one of the creatures He created.

Blessed art Thou, O Lord, who feeds everyone.

2) We thank Thee, Lord our God, for having given our fathers as a heritage a pleasant, a good and spacious land; for having taken us out of the land of Egypt, for having redeemed us from the house of bondage; for Thy covenant, which Thou hast set as a seal in our flesh, for Thy Torah which Thou has taught us, for Thy statutes which Thou hast made known to us, for the life of grace and mercy Thou hast graciously bestowed upon us, and for the nourishment with which Thou dost nourish us and feed us always, every day, in every season, and every hour.

For all these things, Lord our God, we thank and praise Thee; may Thy praises continually be in the mouth of every living thing, as it is written, And thou shalt eat and be satisfied, and bless the Lord thy God for the good land which He hath given thee.

Blessed art Thou, O Lord, for the land and its food.

3) O Lord our God, have pity on Thy people Israel, on Thy city Jerusalem, on Zion the place of Thy glory, on the royal house of David Thy Messiah, and on the great and holy house which is called by Thy Name. Our God, our Father, feed us and speed us, nourish us and make us flourish, unstintingly, O Lord our God, speedily free us from all distress.

And let us not, O Lord our God, find ourselves in need of gifts from flesh and blood, or of a loan from anyone save from Thy full, generous, abundant, wide-open hand; so we may never be humiliated, or put to shame.

> O rebuild Jerusalem, the holy city, speedily in our day. Blessed art Thou, Lord, who in mercy will rebuild Jerusalem. Amen.
> 4) Blessed art Thou, Lord our God, King of the Universe, Thou God, who art our Father, our powerful king, our creator and redeemer, who made us, our holy one, the holy one of Jacob, our shepherd, shepherd of Israel, the good king, who visits His goodness upon all; for every single day He has brought good, He does bring good, He will bring good upon us; He has rewarded us, does regard, and will always reward us, with grace, mercy and compassion, amplitude, deliverance and prosperity, blessing and salvation, comfort, and a living, sustenance, pity and peace, and all good—let us not want any manner of good whatever.[18]

The context of grace is enjoyment of creation, the arena for creation is the land. The land lay at the end of redemption from Egyptian bondage. Holding it, enjoying it is a sign that the covenant is intact and in force and that Israel is loyal to its part of the contract and God to his. The land, the Exodus, the covenant—these all depend upon the Torah, statutes, and a life of grace and mercy, here embodied in and evoked by the nourishment of the meal. Thanksgiving wells up, and the paragraph ends with praises for the land and its food.

This cluster on its own does not demand identification with the Oral Torah. The restorationist dynamic is what (in the present context) reveals the hand of the sages. Here we have not merely a messianic prayer for the end of days, but a specific framing of the end in terms of the beginning, the restoration of Israel to the Land of Israel, that the liturgy bespeaks. The restorationist theme recurs throughout, redemption and hope for return, and then future prosperity in the land: May God pity the people, the city, Zion, the royal house of the Messiah, the Holy Temple." The nourishment of this meal is but a foretaste of the nourishment of the messianic time, just as the joy of the wedding is a foretaste of the messianic rejoicing. Creation and re-creation, exile and return—these are the particular clusters that point to the substrate of the sages' theology.

Thus far, the first two clusters, dealing with Israel and the gentiles, creation, revelation, redemption, and restoration, go over secondary matters. The primary claim of the Oral Torah concerns God's creation of a world order over chaos, and specifically, a world or-

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[18] Judah Goldin, trans., *The Grace After Meals* (New York: The Jewish Theological Seminary of America, 1955), pp. 9, 15*ff.*

dered by justice, a world ruled by God himself, and a world that would recover its original perfection. Here, in the third cluster of particular concern, we find the Judaic creed exactly as sages will have defined it. That is to say, the themes that converge here and the way in which they are articulated respond to the distinctive theological structure and system put forth by the sages. When I maintain that the Oral Torah imparted its imprint upon all that came afterward, and that that is a matter of not historical influence based on political sponsorship but inner logic, I point to formations such as the one before us here, the creed contained in the twice-daily recitation of the *Shema*.

Evening and morning, the pious Jew proclaims the unity and uniqueness of God. The proclamation is preceded and followed by blessings, two at the beginning, then the recitation of the *Shema,* then one at the end, in the sequence, creation, revelation, proclamation of God's unity and dominion, then redemption. The recital of the *Shema* is introduced by a celebration of God as Creator of the world. God daily creates an orderly world, a world ordered in goodness. That is what is important about creation.. The Shema is recited morning and night, and the prayer varies for the occasion, though the message, the creation of world order, does not. In the morning, one says,

> Praised are You, O Lord our God, King of the universe.
> You fix the cycles of light and darkness;
> You ordain the order of all creation
> You cause light to shine over the earth;
> Your radiant mercy is upon its inhabitants.
> In Your goodness the work of creation
> Is continually renewed day by day. . . .
> O cause a new light to shine on Zion;
> May we all soon be worthy to behold its radiance.
> Praised are You, O Lord, Creator of the heavenly bodies.[19]

The blessing in the morning celebrates light, ending with the new light when creation is renewed. The corresponding prayer in the evening refers to the setting of the sun:

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[19] *Weekday Prayer Book,* ed. by the Rabbinical Assembly of American Prayerbook Committee, Rabbi Jules Harlow, Secretary (New York: Rabbinical Assembly, 1962), p. 42.

> Praised are You. . . .
> Your command brings on the dusk of evening.
> Your wisdom opens the gates of heaven to a new day.
> With understanding You order the cycles of time;
> Your will determines the succession of seasons;
> You order the stars in their heavenly courses.
> You create day, and You create night,
> Rolling away light before darkness. . . .
> Praised are You, O Lord, for the evening dusk.[20]

The natural order of the world in the liturgical setting elicits thanks and praise of God who created the world and who actively guides the daily events of nature. Whatever happens in nature gives testimony to the sovereignty of the Creator. And that testimony takes place in the most ordinary events: the orderly regularity of sunrise and sunset.

It is through the Torah that Israel knows God as not merely Creator, but purposeful Creator. There Israel encounters God as just, world order as a formulation of the benevolent, beneficent laws of life. Torah is the mark not merely of divine sovereignty and justice, but of divine grace and love, just as, in our account of complementarity, we saw mercy as the complement of justice. So goes the second blessing:

> Deep is Your love for us, O Lord our God;
> Bounteous is Your compassion and tenderness.

Now comes the pronouncement of the character of world order: reliable, guided by compassion, to be learned through God's self-manifestation in the Torah:

> You taught our fathers the laws of life,
> And they trusted in You, Father and king,
> For their sake be gracious to us, and teach us,
> That we may learn Your laws and trust in You.
> Father, merciful Father, have compassion upon us:
> Endow us with discernment and understanding.
> Grant us the will to study Your Torah,
> To heed its words and to teach its precepts. . . .
> Enlighten our eyes in Your Torah,
> Open our hearts to Your commandments. . . .
> Unite our thoughts with singleness of purpose

[20] Ibid., p.141.

To hold You in reverence and in love. . . .
You have drawn us close to You;
We praise You and thank You in truth.
With love do we thankfully proclaim Your unity.
And praise You who chose Your people Israel in love.[21]

God, the Creator, revealed his will for creation through the Torah, given to Israel his people. That Torah contains the "laws of life." In identifying the world order of justice as the foundation-stone of sages' theology, I simply recapitulated the liturgical creed.

In the *Shema,* Torah—instruction through revelation—leads to the chief teaching of revelation, the premise of world order, the dominion of the one and only God. In proclaiming the following words, Israel accepts the rule of God the yoke of the dominion of Heaven and the yoke of the Torah and commandments:

Hear, O Israel, the Lord Our God, the Lord is One.

This proclamation is followed by three Scriptural passages. The first is Deuteronomy 6:5-9:

You shall love the Lord your God with all your heart, with all your soul, with all your might.

And further, one must diligently teach one's children these words and talk of them everywhere and always, and place them on one's forehead, doorposts, and gates. The second Scripture is Deuteronomy 11:13-21, which emphasizes that if Jews keep the commandments, they will enjoy worldly blessings; but that if they do not, they will be punished and disappear from the good land God gives them. The third is Numbers 15:37-41, the commandment to wear fringes on the corners of one's garments.

Then comes the address to God, not as Creator or Revealer, but God as Redeemer. This prayer, predictably within the sages' framework, treats as comparable the redemption from Egypt and the redemption at the last, the one as the embodiment of the other:

You are our King and our father's King,
Our redeemer and our father's redeemer.
You are our creator. . . .
You have ever been our redeemer and deliverer

[21] Ibid., pp. 45-56.

There can be no God but You. . . .

Now we turn to the initial formation of the paradigm of redemption, the liberation from Egypt, through the passage through the sea:

You, O Lord our God, rescued us from Egypt;
You redeemed us from the house of bondage. . . .
You split apart the waters of the Red Sea,
The faithful you rescued, the wicked drowned. . . .
Then Your beloved sang hymns of thanksgiving. . . .
They acclaimed the King, God on high,
Great and awesome source of all blessings,
The ever-living God, exalted in his majesty.

As soon as redemption makes its appearance, the theme of arrogance and humility appears alongside, since, for sages, we need hardly remind ourselves, arrogance is the cause of sin and exile, humility elicits God's favor and brings about restoration:

He humbles the proud and raises the lowly;
He helps the needy and answers His people's call. . . .
Then Moses and all the children of Israel
Sang with great joy this song to the Lord:
Who is like You O Lord among the mighty?
Who is like You, so glorious in holiness?
So wondrous your deeds, so worthy of praise!
The redeemed sang a new song to You;
They sang in chorus at the sore of the sea,
Acclaiming Your sovereignty with thanksgiving:
The Lord shall reign for ever and ever.
Rock of Israel, arise to Israel's defense!
Fulfill Your promise to deliver Judah and Israel.
Our redeemer is the Holy One of Israel,
The Lord of hosts is His name.
Praised are You, O Lord, redeemer of Israel.[22]

That God not only creates but also redeems is embodied in the redemption from Egyptian bondage. The congregation repeats the exultant song of Moses and the people at the Red Sea as participants in the salvation of old and of time to come. The stories of creation, the Exodus from Egypt, and the revelation of Torah at Sinai are repeated, not merely to recount what once happened but rath-

[22] Ibid., pp. 50*ff.*

er to recreate out of the reworked materials of everyday life the "true being"—life as it was, always is, and will be forever.

The final and most important liturgical exercise in reworking sages' theology brings us to the main principle of world order, God's just rule over creation. No more eloquent and powerful statement of that principle occurs than in the liturgy of the New Year, Rosh Hashanah, and the Day of Atonement, Yom Kippur, which together mark the Days of Awe, of solemn penitence, at the start of the autumn festival season. These occasions work out in concrete terms how the world order of justice extends to the here and now of patterned, orderly, everyday life. For on the first of these occasions, the New Year, each person is inscribed for life or death in the heavenly books for the coming year, and on the Day of Atonement the books are sealed. The synagogues on that day are filled with penitents. The New Year is called the birthday of the world: "This day the world was born." It is likewise a day of remembrance on which the deeds of all creatures are reviewed. On it God asserts his sovereignty, as in the New Year Prayer:

> Our God and God of our Fathers, Rule over the whole world in Your honor . . . and appear in Your glorious might to all those who dwell in the civilization of Your world, so that everything made will know that You made it, and every creature discern that You have created him, so that all in whose nostrils is breath may say, "The Lord, the God of Israel is king, and His kingdom extends over all."[23]

The themes of the liturgy are divine sovereignty, divine memory, and divine disclosure. These correspond to creation, revelation, and redemption. Sovereignty is established by creation of the world. Judgment depends upon law: "From the beginning You made this, Your purpose known . . . ." And therefore, since people have been told what God requires of them, they are judged:

> On this day sentence is passed upon countries, which to the sword and which to peace, which to famine and which to plenty, and each creature is judged today for life or death. Who is not judged on this day? For the remembrance of every creature comes before You, each man's deeds and destiny, words and way . . . .

The theme of revelation is further combined with redemption; the ram's horn, or *Shofar,* which is sounded in the synagogue during daily

[23] Traditional prayer; author's translation from the Hebrew.

worship for a month before the *Rosh Hashanah* festival, serves to unite the two:

> You did reveal yourself in a cloud of glory. . . . Out of heaven you made them [Israel] hear Your voice. . . . Amid thunder and lightning You revealed yourself to them, and while the Shofar sounded You shined forth upon them. . . . Our God and God of our fathers, sound the great Shofar for our freedom. Lift up the ensign to gather our exiles. . . . Lead us happily to Zion Your city, Jerusalem the place of Your sanctuary.

The complex themes of the New Year, the most "theological" of Jewish holy occasions, thus recapitulate a familiar cluster of themes.

The most personal, solemn, and moving of the Days of Awe is the Day of Atonement, Yom Kippur, the Sabbath of Sabbaths. It is marked by fasting and continuous prayer. On it, Israel makes confession:

> Our God and God of our fathers, may our prayer come before You. Do not hide yourself from our supplication, for we are not so arrogant or stiff-necked as to say before You . . . . We are righteous and have not sinned. But we have sinned.
> We are guilt laden, we have been faithless, we have robbed . . . .
> We have committed iniquity, caused unrighteousness, have been presumptuous . We have counseled evil, scoffed, revolted, blasphemed . . . .[24]

The Hebrew confession is built upon an alphabetical acrostic following the letters of the Hebrew alphabet, as if by making certain every letter is represented, God, who knows human secrets, will combine them into appropriate words. The very alphabet bears witness against us before God. Then:

> What shall we say before You who dwell on high? What shall we tell You who live in heaven? Do You not know all things, both the hidden and the revealed? You know the secrets of eternity, the most hidden mysteries of life. You search the innermost recesses, testing men's feelings and heart. Nothing is concealed from You or hidden from Your eyes. May it therefore be Your will to forgive us our sins, to pardon us for our iniquities, to grant remission for our transgressions.[25]

A further list of sins follows, built on alphabetical lines. Prayers to

[24] Jules Harlow, trans., *Mahzor* (New York, rep. 1995: Rabbinical Assembly).
[25] ibid.

be spoken by the congregation are all in the plural: "For the sin which we have sinned against You with the utterance of the lips . . . . For the sin which we have sinned before You openly and secretly . . . ." The community takes upon itself responsibility for what is done in it. All Israel is part of one community, one body, and all are responsible for the acts of each. The sins confessed are mostly against society, against one's fellow-men; few pertain to ritual laws. At the end comes a final word:

> O my God, before I was formed, I was nothing. Not that I have been formed, it is as though I had not been formed, for I am dust in my life, more so after death. Behold I am before You like a vessel filled with shame and confusion. May it be Your will . . . . that I may no more sin, and forgive the sins I have already committed in Your abundant compassion.[26]

Israelites, within all Israel, see themselves before the just and merciful God: possessing no merits, yet hopeful of God's love and compassion. Where, then, shall we look for an address to God that is not framed within the theology of the Oral Torah?

Now readers ought rightly to object, but is this corpus of liturgy not a mere reprise of Scripture? Why invoke the Oral part of the Torah to make sense of the synagogue worship, when that liturgy simply reworks the main lines of thought of the Written part of the Torah, indeed constantly recites verses of Scripture within the act of worship? And I hasten to concede, as would the sages in whose behalf I have claimed so much, readers do not err. A liturgy that recapitulates the themes of creation, revelation, and redemption, that speaks of exile from and return to the Land in a plan of restoration, that celebrates God's sovereignty and invokes God's justice in judgment, surely reworks the themes of Scripture. And one that constantly makes reference to the Torah as the emblem of God's love and to Israel as the people of the Torah, that perpetually invokes the correspondence of world order in the heavens with peace on earth (as in the Qaddish-prayer)—such a liturgy surely rests squarely upon the Written Torah, which from its opening lines says no less.

A single, seamless statement, the Siddur and Mahzor, the Oral Torah, and the Written Torah, severally and jointly say the same

[26] ibid.

few things. It is the Oral Torah that identifies and recapitulates those few things and exposes the compelling logic that animates them. That is why the worship of the synagogue, in the *Siddur* and the *Mahzor,* with its enchanted and timeless world of ever-present eternity, is beyond all comprehending except within the framework of the Oral part of the Torah. But so too, sages will have insisted, the Oral part of the Torah for its part restates precisely the message, in exact balance and proportion, of the Written part. It too makes sense only within the framework of the Written part of the Torah.

So, in sequence, the sages read from the Written Torah to the Oral one. And, reflecting on that reading, the theologians of the liturgy composed prayer to re-frame in the second-person "you" of prayer personally addressed to the person of God precisely the result of that same reading: what the Torah teaches about God that Israel may bring in prayer to God. The Oral Torah then forms the pivot, the vital center, linking the Written Torah to the Siddur and Mahzor, the message of the one set forth in the medium of the other, as recast, fore and aft, by the modes of thought characteristic of our sages of blessed memory.

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